

Exhibit 11

1 Page 1

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3 Exhibits 1-25

4 IN THE UNITED STATES DISTRICT COURT

5 FOR THE DISTRICT OF NEW JERSEY

6 IN RE JOHNSON & JOHNSON TALCUM

7 POWDER PRODUCTS MARKETING, MDL NO.

8 SALES PRACTICES, AND PRODUCTS 16-2738 (MAS) (RLS)

9 LIABILITY LITIGATION

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16 VIDEOCONFERENCE DEPOSITION OF

17 JOHN GODLESKI, M.D.

18 Thursday, March 28, 2024, 9:02 a.m.

19 MARRIOTT BOSTON - QUINCY

20 1000 Marriott Drive

21 Quincy, Massachusetts 02169

22

23

24 -----REPORTER: Sonya Lopes, RPR, CSR-----

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<p>1 APPEARANCES: 2 3 Beasley Allen Law Firm 4 David P. Dearing, Esq. 5 218 Commerce Street 6 Montgomery, Alabama 36103-4160 7 334.269.2343 8 david.dearing@beasleyallen.com 9 for Plaintiffs 10 11 Shook, Hardy & Bacon LLP 12 Mark Hegarty, Esq. 13 2555 Grand Boulevard 14 Kansas City, Missouri 64108-2613 15 816.474.6550 16 mhegarty@shb.com 17 for Defendants 18 19 Also present: Kerry Stufflebean 20 Richard Golomb, Esq. (Via Zoom) 21 22 23 24 25</p>	<p style="text-align: right;">Page 2</p> <p>1 I N D E X 2 3 EXHIBIT PAGE 4 Exhibit 11, analysis summary for Newsome 5 case.....124 6 Exhibit 12, June 24, 2021 expert report 7 for Newsome case.....128 8 Exhibit 13, pathology report for Newsome 9 case.....132 10 Exhibit 14, handwritten notes for Newsome 11 case.....132 12 Exhibit 15, March 26, 2021 letter.....136 13 Exhibit 16, chain of custody documents 14 for Newsome case.....137 15 Exhibit 17, July 27, 2021 letter.....144 16 Exhibit 18, invoice for Newsome case.....145 17 Exhibit 19, analysis summary for Judkins 18 case.....175 19 Exhibit 20, invoice for Judkins case.....178 20 Exhibit 21, pathology report for Judkins 21 case.....180 22 Exhibit 22, handwritten notes for Judkins 23 case.....180 24 Exhibit 23, chain of custody documents 25 for Judkins case.....185</p>
<p>1 I N D E X 2 3 WITNESS: JOHN GODLESKI, M.D. 4 5 EXAMINATION BY: PAGE 6 Mr. Hegarty 6, 124, 173, 226 7 Mr. Dearing 123, 172, 224 8 9 EXHIBIT PAGE 10 Exhibit 1, list of prior testimony.....15 11 Exhibit 2, analysis summary for Gallardo 12 case.....30 13 Exhibit 3, pathology report for Gallardo 14 case.....48 15 Exhibit 4, handwritten notes for Gallardo 16 case.....48 17 Exhibit 5, July 21, 2021 expert report 18 for Gallardo case.....53 19 Exhibit 6, invoice for Gallardo case.....54 20 Exhibit 7, July 28, 2021 cover letter and 21 chain of custody documents for 22 Gallardo case.....54 23 Exhibit 8, IARC monographs Volume 100C...112 24 Exhibit 9, image of Particle 730.....121 25 Exhibit 10, spectrum for Particle 730....121</p>	<p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 3 EXHIBIT PAGE 4 Exhibit 24, March 30, 2021 letter.....197 5 Exhibit 25, June 18, 2021 expert report 6 for Judkins case.....200 7 8 *Exhibits returned to Mr. Hegarty 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 JOHN GODLESKI, M.D., 2 having been satisfactorily identified by means of a 3 driver's license, was duly sworn by the notary 4 public, examined, and testified as follows: 5 EXAMINATION 6 BY MR. HEGARTY: 7 Q. Good morning, Dr. Godleski. 8 A. Good morning. 9 Q. Would you please state your full name for 10 the record? 11 A. John Joseph Godleski. 12 Q. Dr. Godleski, are you still the owner of 13 John J. Godleski, M.D., LLC? 14 A. Yes. 15 Q. You testified at a prior deposition that 16 you pay yourself 4,000 a month from this business. 17 Do you recall telling me that in the past? 18 A. That sounds about right. 19 Q. Is that still the case? 20 A. No. It's a little more. It's 6,000 a 21 month now. 22 Q. How long has it been 6,000 a month? 23 A. Past year. 24 Q. When you say "in the past year," how far 25 back?	Page 6	1 Q. What's an example of something you have 2 reimbursed yourself for in the last couple of years? 3 A. I have a subscription to Courtroom View 4 Network. And when I established that, I put -- I 5 established it on a personal credit card rather than 6 the business credit card. And I've never bothered 7 to change it. So I reimburse myself for that 99 8 bucks. 9 Q. So other than the monthly amounts that you 10 receive from the LLC and what you receive through 11 these reimbursements, in the last several years, 12 have you received any other income from your LLC? 13 A. No. 14 Q. Do you recall being deposed in the Cadigan 15 and Forest cases back in 2019? 16 A. Vaguely. 17 Q. Since those depositions -- or if you want 18 to time it, since October of 2019 -- that's about 19 four and a half years ago -- have you received any 20 income from any Harvard school or from Brigham and 21 Women's Hospital? 22 A. No. 23 Q. Since October of 2019, have you been asked 24 by anyone at Harvard to consult on any individual 25 patient's case?	Page 8
1 A. 2023. 2 Q. Prior to 2023, was it still the \$4,000 a 3 month? 4 A. Yeah. 5 Q. In the last two years, have you received 6 income or other money through your LLC beyond this 7 monthly income we just talked about? 8 A. To me personally? 9 Q. To you personally. 10 A. No. 11 Q. For example -- 12 A. Wait a minute. 13 Q. Have you -- let me ask it a different way. 14 Other than the monthly amount that we just 15 talked about, in the last couple of years, have you 16 received anything like a bonus or a year-end 17 distribution on top of that monthly amount? 18 A. No. 19 Q. Have you received any other type of 20 distribution from your LLC in the last couple of 21 years beyond the monthly payments that we just 22 talked about? 23 A. Not really. I do reimburse myself when I 24 pay for things out of pocket or with a personal 25 credit card. But other than that, no.	Page 7	1 A. No. I've been asked -- I've consulted on 2 research issues but not a particular case. 3 Q. When you say you've been asked to consult 4 on research issues in the past four and a half years 5 -- and the reason I'm limiting it to the last four 6 and a half years is because you and I brought 7 ourselves up to date on all these activities as of 8 October 2019. So what I'm interested in is any 9 activities along the lines I'm going to ask you 10 about since that time. 11 So with regard to research activities, what 12 type of research activities had you had any consult 13 on with anyone at Harvard or Brigham and Women's 14 Hospital since October of 2019? 15 A. I consulted on the macrophage actions in 16 removal of tattoos as one area that I've consulted 17 on with a group. Another has to do with the, again, 18 macrophage actions relative to uptake of particles. 19 These are all particle-related things as part of a 20 group at the Mass. General, and those are the 21 primary ones. 22 Q. Who are some of the members of the group at 23 Mass. General or the lead member at Mass. General 24 that you have consulted -- 25 A. I can't remember the name.	Page 9

<p style="text-align: right;">Page 10</p> <p>1 Q. How about --</p> <p>2 A. It was about three and a half years ago.</p> <p>3 Q. How about at Harvard or Brigham and Women's</p> <p>4 with regard to this macrophage action and the</p> <p>5 removal of tattoos? Has there been a principle</p> <p>6 person you have consulted with about that matter?</p> <p>7 A. Yes. He used to be the head of the</p> <p>8 clinical labs at the Brigham, and he also is</p> <p>9 retired. And we'd start talking about this at a</p> <p>10 professor of emeritus lunch-in. And that sort of</p> <p>11 got this started. And I don't -- I can't remember</p> <p>12 his name. If it comes to me, I'll tell you.</p> <p>13 Q. If you recall his name at any point over</p> <p>14 the next couple of days, would you please let me</p> <p>15 know?</p> <p>16 A. I'll let you know. Yes.</p> <p>17 Q. Since October of 2019, has any gynecologic</p> <p>18 oncologist called and asked you to look for</p> <p>19 particles in tissue removed from one of his or her</p> <p>20 patients?</p> <p>21 A. No.</p> <p>22 Q. Since October of 2019, has any doctor</p> <p>23 treating the patient for a gynecologic condition</p> <p>24 asked you to look for particles removed -- look for</p> <p>25 particles that were in any tissue removed from that</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Some of them are -- most of them are</p> <p>2 occupational exposures and they've -- where people</p> <p>3 have been exposed and developed diseases related to</p> <p>4 either asbestos or silicosis or silica.</p> <p>5 Q. Has this been work as part of cases that</p> <p>6 are in litigation?</p> <p>7 A. Yes.</p> <p>8 Q. Has there been any change in your status or</p> <p>9 the activities you have been doing through your LLC</p> <p>10 since October of 2023?</p> <p>11 A. No.</p> <p>12 Q. Are you able to estimate for me how much</p> <p>13 your LLC made or what its income was for 2020?</p> <p>14 A. Are you asking gross income?</p> <p>15 Q. Gross income.</p> <p>16 A. For 2020?</p> <p>17 Q. For 2020.</p> <p>18 A. I would say that my company gross income</p> <p>19 was -- has been in the neighborhood of 350,000 over</p> <p>20 the last several years.</p> <p>21 Q. What percentage of that gross income is</p> <p>22 from litigation matters?</p> <p>23 A. More than 95 percent.</p> <p>24 Q. And of that 95 percent, what percentage has</p> <p>25 been for your consultation on litigation involving</p>
<p style="text-align: right;">Page 11</p> <p>1 patient?</p> <p>2 A. I've had conversations about that with</p> <p>3 Dr. Crum, who was head of gynecologic pathology at</p> <p>4 the Brigham, and also with Dr. Dan Cramer within</p> <p>5 that period of time.</p> <p>6 And -- but they have not specifically asked</p> <p>7 me to do that looking, but were talking about how it</p> <p>8 could be implemented within the context of their</p> <p>9 practices.</p> <p>10 Q. I mentioned a moment ago your business,</p> <p>11 called John J. Godleski, M.D., LLC. Are you still</p> <p>12 the sole owner of that company?</p> <p>13 A. Yes.</p> <p>14 Q. You were asked some questions about your</p> <p>15 business at a deposition back in October of 2023.</p> <p>16 Has there been any change in your employees since</p> <p>17 October of 2023?</p> <p>18 A. Since October 2023? No.</p> <p>19 Q. Has there been any change in the nature and</p> <p>20 type of work you are doing for your business since</p> <p>21 October of 2023?</p> <p>22 A. We've done more silica and asbestos cases.</p> <p>23 But other than that, not really.</p> <p>24 Q. When you say "silica and asbestos cases,"</p> <p>25 what kind of cases are those?</p>	<p style="text-align: right;">Page 13</p> <p>1 talcum powder use?</p> <p>2 A. Maybe 80 percent.</p> <p>3 Q. Are you currently consulting on any matters</p> <p>4 that don't involve litigation through your company</p> <p>5 or otherwise?</p> <p>6 A. Yes.</p> <p>7 Q. What kind of matters are you consulting on</p> <p>8 outside of litigation currently?</p> <p>9 A. Well, there's a new instrument that Zeiss</p> <p>10 has come up with that is a very -- a functional</p> <p>11 combination of scanning electron microscopy, energy</p> <p>12 dispersive X-ray analysis, and Raman spectroscopy</p> <p>13 all in one instrument.</p> <p>14 And I was involved in a workshop with this</p> <p>15 a couple of weeks ago. And I have appointments to</p> <p>16 meet with people at Oxford Instruments who are</p> <p>17 involved in marketing this instrument.</p> <p>18 Q. What other, if any, consulting matters are</p> <p>19 you working on currently that don't involve</p> <p>20 litigation?</p> <p>21 A. I'm sorry?</p> <p>22 Q. What other consulting matters, if any, are</p> <p>23 you currently working on that don't involve</p> <p>24 litigation?</p> <p>25 A. We have silicosis cases. We have asbestos</p>

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1 cases. 2 Q. My question, though, is, if we put aside 3 litigation cases -- 4 A. Okay. 5 Q. -- are you consulting on anything else 6 other than this Oxford Instrument new technology? 7 So I'm asking about non-litigation consulting that 8 you're doing currently. 9 A. Okay. No. 10 Q. In the last few years, other than what you 11 talked about, have you done any other non-litigation 12 consulting and, if so, on what type of matters? 13 A. No. 14 Q. As to litigation -- without identifying the 15 matters -- are you currently consulting on cases 16 other than talc, the asbestos, and the silicone 17 cases? 18 A. No. 19 Q. As far as the asbestos and silicone cases, 20 are you aware -- 21 A. Silica. 22 Q. Silica. Thank you for correcting me. 23 As far as the asbestos and silica cases, do 24 you know if you've been disclosed in any of those 25 cases as an expert witness in the last three or four	Page 14 1 MR. DEARING: If you have -- the 2 question is disclosed but not testified? 3 MR. HEGARTY: Correct. 4 Q. Are there any cases where -- involving 5 asbestos or silica where you have been disclosed as 6 an expert but that -- where you've not been deposed 7 yet or testified? 8 A. There was one that I was -- I was engaged 9 to testify on behalf of the federal government in a 10 case where the government was being sued in an 11 asbestos matter. And so I was -- would have been 12 testifying for the defense. But before I was to 13 have a deposition, it settled. 14 Q. Do you recall the name of the plaintiff and 15 where the case was pending? 16 A. I'm trying to recall. I'm not sure where 17 it was pending. It was Arigo versus the US 18 government or something. And it was -- oh, no. It 19 was here in Massachusetts. 20 Q. Other than that case, are you aware of any 21 other cases where you've been disclosed as an expert 22 outside of talc cases but where you have not yet 23 been deposed -- 24 A. No. 25 Q. -- or given testimony? As you know, Doctor
1 years? 2 A. Oh, yes. 3 Q. And would any testimony that you have given 4 in the last three or four years be on your -- the 5 list you provided of your prior testimony? 6 A. Yes. 7 Q. I'm going to go ahead and mark that, just 8 so that we have that list out there so you can look 9 at it. 10 MR. HEGARTY: So I'll mark as Exhibit 11 No. 1 the list of prior testimony we were provided. 12 (List of prior testimony, Exhibit 1, 13 marked) 14 Q. Dr. Godleski, does this appear to be your 15 current case list of testimony for the last four or 16 five years? 17 A. Yes. 18 Q. With other -- let me start over again. 19 With regard to those asbestos and silica 20 cases where you've been disclosed as an expert, are 21 there any cases where you've been disclosed but not 22 testified in? And you can compare that for -- for 23 purposes of your answer, please look at the cases 24 that are listed in Exhibit No. 1. 25 A. Yes.	Page 15 1 -- I think as you know -- we're here today to take 2 your deposition in the case of In re Johnson & 3 Johnson Talc Litigation MDL to specifically talk 4 about five cases in the MDL where you have offered 5 expert reports. Do you understand that? 6 A. Yes. 7 Q. Do you recall when you were contacted about 8 serving as an expert witness in those five MDL 9 cases? 10 A. Those cases were done in 2021. So it would 11 have been before that. 12 Q. Do you recall who contacted you about 13 looking at those five cases? 14 A. I would presume Mr. Dearing. 15 Q. Mr. Dearing is here today. Have you worked 16 with any other attorneys at his firm or for other -- 17 that represent other plaintiffs with regard to those 18 five cases? 19 A. Not that I know of, no. 20 Q. Do you currently have any articles in 21 submission for publication concerning talcum powder? 22 A. No. 23 Q. Do you currently have any articles in the 24 drafting stage that you intend to try to publish 25 that concern talc?

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<p>Page 18</p> <p>1 A. We have one at the concept stage, but we 2 haven't really done much with it. 3 Q. What is the concept? 4 A. The use of Permanox slides as a substrate 5 for the -- to study tissues for talc by SEM. And 6 the advantage of it is the Permanox slides are only 7 a carbon, hydrogen, oxygen mixture. It doesn't have 8 any other elements in it. So there's no other 9 confounding elements.</p> <p>10 And the other thing is that, when we trim 11 block, if we take -- if we cut one or two more 12 slides, which is taking a minuscule amount of tissue 13 off the block, we can then look at additional 14 surfaces so that, if you think of the block being 2 15 millimeters thick or 2000 micrometers and we're 16 looking at a 2-micrometer plane and we are bound to 17 find a talc particle or particles in that 2 micron 18 plane, having more planes gives us a greater chance 19 to find more. And instead of being able to report 20 0, we can report how many we find in a plane of 2 or 21 -- in two or three planes.</p> <p>22 So from that point of view, it has 23 advantages. And so we're using it, and we're 24 thinking whether this is a useful paper to write.</p> <p>25 Q. Have you submitted or do you have any</p>	<p>Page 20</p> <p>1 now? 2 MR. HEGARTY: 2019, yes. 3 A. I probably have because people ask me what 4 I do, and I say "We find foreign particles in human 5 tissue." And they ask "Well, what's an example?" 6 And I sometimes use talc as an example. But, you 7 know, other than those kind of conversations, I 8 can't think of any. 9 Q. Since October of 2019, have you 10 communicated with anyone outside of plaintiffs' 11 counsel for the talc litigation cases concerning 12 your work on talcum powder cases besides what you 13 just told me?</p> <p>14 MR. DEARING: You don't have to disclose 15 communications with other lawyers, if there are any. 16 A. I don't think there are any, and I'm trying 17 to think. The interaction with Health Canada that 18 we had, I'm not sure whether it was before or after 19 that date. I think it was -- it may have been 20 after, but I'm not sure. But you've had that -- you 21 have a copy of that. 22 Q. We do. Thank you. Do you recall appearing 23 at a February 4, 2020 FDA meeting? 24 A. Yes. 25 Q. How did you hear about that meeting?</p>
<p>Page 19</p> <p>1 drafts of any article on any topics outside of 2 talcum powder that has not yet been published? 3 A. Yeah. There's a couple of air pollution- 4 related papers that are in various forms of being 5 published by students that just haven't gotten 6 around to getting done. 7 Q. Will your name be on those papers -- 8 A. Yeah. 9 Q. -- when they get published? 10 A. Yeah. 11 Q. Do you have any planned articles -- that 12 is, articles you are planning to write -- that don't 13 involve talcum powder use or are unrelated to these 14 air pollution articles that we talked about? 15 A. We've -- we may end up writing something on 16 this new Zeiss technology. 17 Q. Since October of 2019, out of the 18 litigation context and the presentation you gave to 19 the FDA in 2020, have you given any presentations 20 where talc has been discussed? 21 A. No. 22 Q. Since October of 2019, have you discussed 23 your opinions regarding talc with any colleagues not 24 involved in the talc litigation? 25 MR. DEARING: You said "October 2019"</p>	<p>Page 21</p> <p>1 A. I don't recall. 2 Q. How did you put yourself on or get yourself 3 on the list of speakers who would provide testimony 4 at that meeting? 5 A. I think I wrote an e-mail to somebody that 6 was involved in the organization of the meeting to 7 say that I would like to be on the program. 8 Q. Did you speak to any lawyers representing 9 plaintiffs in talcum powder cases prior to your 10 presentation concerning your presentation? 11 A. No. 12 Q. Did you meet with any lawyers for 13 plaintiffs in talcum powder cases while you were at 14 the meeting? 15 A. I'm sure I did. 16 Q. Do you remember who you met with? 17 A. I don't know. Probably Mr. Dearing and 18 maybe some others. 19 Q. And I don't want you to guess. Do you 20 recall specifically who you met with? 21 A. No, I don't. That was a while ago. 22 Q. Did you speak with anyone -- let me start 23 over again. 24 Did you speak with any lawyer representing 25 a plaintiff in the talcum powder litigation about</p>

<p style="text-align: right;">Page 22</p> <p>1 what you would be testifying to before the FDA?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Did you provide in advance what you would</p> <p>4 be telling the FDA, that is, in advance to any</p> <p>5 plaintiffs' lawyer what you would be telling the</p> <p>6 FDA?</p> <p>7 A. As I recall, I had to send the presentation</p> <p>8 to the FDA before the meeting. But other than that,</p> <p>9 I don't think I sent it to anyone else.</p> <p>10 Q. There were six other plaintiffs' experts at</p> <p>11 this FDA meeting. Did you meet with any of those</p> <p>12 other experts for plaintiffs in the talcum powder</p> <p>13 litigation at the meeting?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Did any plaintiffs' lawyer involving talcum</p> <p>16 powder litigation pay for you to go to Washington</p> <p>17 and offer that testimony?</p> <p>18 A. I don't think so.</p> <p>19 Q. Did you invoice any time or expense</p> <p>20 associated with your going to Washington and</p> <p>21 providing that presentation to any plaintiffs'</p> <p>22 lawyer representing talcum powder plaintiffs?</p> <p>23 A. Not that I recall. I don't think I did.</p> <p>24 Q. You used a -- you mentioned that you gave a</p> <p>25 -- that you had to send in a presentation in</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Do you recall that the hearing involving</p> <p>2 FDA back in February of 2020 was about asbestos</p> <p>3 testing?</p> <p>4 A. Yes.</p> <p>5 Q. You agree that you're not an expert in the</p> <p>6 methods used by the plaintiffs' experts in these</p> <p>7 cases to test for asbestos in talc; correct?</p> <p>8 MR. DEARING: Objection. Form.</p> <p>9 A. I don't understand what you're asking.</p> <p>10 Q. Do you agree that you're not an expert in</p> <p>11 the testing of talcum powder for asbestos?</p> <p>12 MR. DEARING: Objection. Form.</p> <p>13 A. I would think -- I would -- I think I would</p> <p>14 disagree with that. I'm recognized as an expert in</p> <p>15 asbestos. Specifically looking for asbestos in</p> <p>16 talcum powder as Johnson & Johnson has done it over</p> <p>17 the years? I would say that I've never done that.</p> <p>18 Q. Are you -- do you know the types of</p> <p>19 techniques that the plaintiffs' experts have used in</p> <p>20 the talc litigation to identify or to try to</p> <p>21 identify asbestos in talcum powder?</p> <p>22 A. Yes.</p> <p>23 Q. Are you an expert in those techniques?</p> <p>24 A. I would think so.</p> <p>25 Q. You also, as you mentioned a short time</p>
<p style="text-align: right;">Page 23</p> <p>1 advance. Do you recall telling me that?</p> <p>2 A. Yes.</p> <p>3 Q. Did you prepare that presentation on your</p> <p>4 own?</p> <p>5 A. Yes.</p> <p>6 Q. Did anyone assist you in preparing it?</p> <p>7 A. No.</p> <p>8 Q. Did you share that presentation with anyone</p> <p>9 besides who you sent it to in advance of your giving</p> <p>10 testimony before FDA?</p> <p>11 A. Probably my employees saw it.</p> <p>12 Q. Other than your employees, did you share</p> <p>13 that with anyone else?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Have you had any contact with the FDA about</p> <p>16 talc or asbestos other than at this one meeting?</p> <p>17 A. I think I got an e-mail from the FDA</p> <p>18 afterwards thanking me for the presentation. And I</p> <p>19 think maybe they asked for permission to reproduce</p> <p>20 the presentation, but I'm not sure about that. I</p> <p>21 think it was just kind of a pro forma "Thank you."</p> <p>22 Q. Other than that e-mail from FDA post that</p> <p>23 meeting, have you had any communication with anyone</p> <p>24 at FDA since then?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 25</p> <p>1 ago, had communications with Health Canada --</p> <p>2 A. Yeah.</p> <p>3 Q. -- with regard to its draft screening</p> <p>4 assessment report for talc. Do you recall that?</p> <p>5 A. Yes.</p> <p>6 Q. And how did you become aware of the --</p> <p>7 Health Canada's draft screening assessment for talc</p> <p>8 and the ability to offer comments about it?</p> <p>9 A. I think I was contacted by somebody at</p> <p>10 Health Canada.</p> <p>11 Q. Do you know how someone at Health Canada</p> <p>12 came to contact you?</p> <p>13 A. I think they read one of our papers or some</p> <p>14 of our papers.</p> <p>15 Q. Did you charge any plaintiffs' counsel for</p> <p>16 your time or did you get reimbursement from any</p> <p>17 plaintiffs' counsel for any expense you incurred as</p> <p>18 part of your communication with Health Canada?</p> <p>19 A. I don't believe so.</p> <p>20 Q. As far as any communications you had with</p> <p>21 Health Canada, did you provide those communications</p> <p>22 in advance to any plaintiffs' counsel for a talcum</p> <p>23 powder plaintiff?</p> <p>24 A. Not that I know of -- recall. I don't</p> <p>25 think so.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Other than FDA back in 2020, since that 2 time, have you had any communication with any 3 regulatory authority or scientific body concerning 4 talcum powder?</p> <p>5 A. No.</p> <p>6 Q. Since October of 2019, have you talked with 7 any other expert for plaintiffs in talcum powder 8 cases about their opinions or their testimony?</p> <p>9 A. No.</p> <p>10 Q. Have you reviewed any experts' reports or 11 testimony from the talcum powder MDL litigation?</p> <p>12 A. Only my own reports. I haven't read 13 anybody else's.</p> <p>14 Q. Have you read anyone else's testimony, 15 given -- let me start over again.</p> <p>16 Have you read any experts who have been 17 designated by plaintiffs' testimony in the MDL?</p> <p>18 A. No.</p> <p>19 Q. Dr. Godleski, what did you do to prepare 20 for today's deposition?</p> <p>21 A. Looked through the folders of my -- of the 22 five cases that we're talking about, looked through 23 the publications that we've written and all the work 24 that was done in order to provide all the materials 25 that you asked for.</p>	<p style="text-align: right;">Page 28</p> <p>1 reports for the cases we're going to talk about over 2 the next two days?</p> <p>3 A. No. I'm -- she probably contributed to 4 some of them. But, in fact, the final reports as 5 they're put together and reported comes directly 6 from me.</p> <p>7 Q. As far as the equipment you used in 8 connection with the work you did on the five cases, 9 did you have to pay for the cost to use the 10 equipment?</p> <p>11 A. Yes, we do.</p> <p>12 Q. When you say "we," did you pay that through 13 your LLC?</p> <p>14 A. Yes.</p> <p>15 Q. Did you get reimbursement for those costs 16 from the counsel for the plaintiffs whose cases you 17 were working on?</p> <p>18 A. We don't ask for reimbursement of those 19 costs. They're covered in the -- in the hourly rate 20 of the -- for the time spent by either Dr. Fan or 21 Dr. McDonald when they are working on the 22 microscopes. Or if I'm there, that time is billed. 23 And it includes the cost of the instrument as well 24 as the cost -- my cost to pay those people.</p> <p>25 Q. Whose equipment did you use to do the</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. When did you review the materials for the 2 five cases in relation to today's deposition?</p> <p>3 A. This week.</p> <p>4 Q. How much time did you spend?</p> <p>5 A. I don't know. I haven't added it up. 6 Probably -- I don't know. I won't guess.</p> <p>7 Q. How much time did you spend reviewing the 8 publications you referenced?</p> <p>9 A. A couple of hours.</p> <p>10 Q. Did you review the deposition transcripts 11 of any witnesses to prepare to testify today?</p> <p>12 A. No.</p> <p>13 Q. Did you look back over the reports of the 14 five cases that we plan to talk about here today?</p> <p>15 A. Yes.</p> <p>16 Q. Did anyone assist you in preparing any of 17 those five reports, that is, the actual drafting of 18 those five reports?</p> <p>19 A. When they were originally drafted back in 20 2021?</p> <p>21 Q. Yes, sir.</p> <p>22 A. It's possible that Dr. McDonald, who works 23 for me, did some of the work on them.</p> <p>24 Q. Do you recall specifically here today if 25 Dr. McDonald did work in drafting any of the five</p>	<p style="text-align: right;">Page 29</p> <p>1 polarizing light microscopy and SEM/EDX work?</p> <p>2 A. The polarizing microscopy, I have that 3 equipment in my office. And we use that there. For 4 the SEM work, we use three facilities. One is at 5 Boston University dental school, which we pay for. 6 The other is at Rogers Imaging, which is a private 7 company in Natick, Massachusetts. And they have a 8 JEOL instrument that -- if we report we used a JEOL 9 instrument, it was probably done there.</p> <p>10 And we also have access to the Harvard 11 Center for Nanoscale Systems, which has several 12 SEM/EDX setups. But they're hard to get on. So we 13 rarely use them, but we do have access.</p> <p>14 Q. You're here today with Mr. Dearing. Did 15 you have a chance to meet with Dearing -- with 16 Mr. Dearing in advance of today's deposition?</p> <p>17 A. We had dinner yesterday.</p> <p>18 Q. Did you have a chance to talk with him 19 about today's deposition leading up to today?</p> <p>20 A. Relatively briefly.</p> <p>21 Q. Did you speak with anyone else besides 22 Mr. Dearing in preparation for your deposition here 23 today?</p> <p>24 A. Dr. McDonald was in the office while I was 25 collecting up materials. So I guess we probably</p>

1 exchanged a few words about the cases but not 2 specifically. 3 Q. Besides Dr. McDonald and Mr. Dearing, did 4 you talk with anyone else about preparing for your 5 deposition here today or giving deposition testimony 6 here today? 7 A. I told my wife why I was busy. 8 Q. Okay. Anyone else? 9 A. No. 10 Q. I want to start walking through the five 11 cases. And to start, I want to begin with the 12 Gallardo case. 13 A. Okay. 14 Q. And I want to begin by looking at the 15 analysis documents that you provided. 16 MR. HEGARTY: So I'm going to have 17 marked as Exhibit No. 2 the analysis summary that 18 was prepared for the Gallardo case. 19 (Analysis summary for Gallardo case, 20 Exhibit 2, marked) 21 Q. First of all, Dr. Godleski, is this the 22 analysis summary for the Gallardo case? 23 A. Yes. 24 Q. Was it prepared, as indicated in the first 25 page, July 8, 2021?	Page 30 1 Q. Yes? 2 A. Yes. 3 Q. Under the "summary of analyzed particles" 4 heading, to the left, there are references to a 5 category of external mineral or EXT, space, MIN. 6 But there's not any breakdown for any external 7 metal. Do you see that? 8 A. Yes. 9 Q. We'll look at this with regard to other 10 cases. But do you recall that, typically, there is 11 a category in the summary of analyzed particles 12 pages for external metals? 13 A. Yeah. Sometimes we have that; sometimes we 14 don't. 15 Q. Do you know why that was not included for 16 Ms. Gallardo? 17 A. No. It may have been that, in fact, there 18 weren't external metals. 19 Q. If there were external metals found in your 20 particle analysis, would you expect to have had a 21 separate reference on this page to the number of 22 external minerals -- metals? 23 A. Yeah. We usually do. Sometimes we have 24 them -- 25 Q. Go ahead. I'm sorry.
Page 31 1 A. Yes. 2 Q. Please look over the next several pages as 3 to the procedures. Did you do anything different in 4 the Gallardo case than you had done in the prior 5 cases in the past where you have given testimony? 6 A. No. 7 Q. Please look at page 2 of Exhibit No. 2. 8 Does the first bullet point refer to the blocks that 9 were received in connection with Ms. Gallardo's 10 surgery? 11 A. Yes. 12 Q. Were these also the blocks that were 13 requested? 14 A. Yes. 15 Q. Please turn over to the "summary of 16 analyzed particles" page. And tell me when you are 17 there. 18 MR. HEGARTY: Off the record. 19 (A break was taken) 20 MR. HEGARTY: We are back on the record. 21 Q. When we took a short break, I'd asked you 22 to find the "summary of analyzed particles" page, 23 Dr. Godleski. Have you had a chance to find that 24 page? 25 A. Uh-huh.	Page 31 Page 33 1 A. Sometimes we have the external minerals and 2 metals. Sometimes we have them separated out. The 3 fact that we don't have them here, maybe there 4 weren't any. 5 Q. This same page indicates that you found 6 particles in five blocks; is that correct? 7 A. That's correct. 8 Q. This page also has a designation under the 9 row of labels heading of "MG," slash, "SI MIN." Do 10 you see that, Doctor? 11 A. Yes. 12 Q. It says next to it "238." What does that 13 mean? 14 A. What that usually is is a particle 15 that's -- say that the analysis shows magnesium, 16 silicon, and sodium or something like that. That's 17 what would go into that category. And so, you know, 18 we can't classify it as talc because it has a 19 significant sodium peak, for example. Sometimes 20 that could be sodium nearby a talc particle. So -- 21 and sometimes it's a mineral that is magnesium, 22 silicon, and some other mineral such as iron or 23 others. 24 But we tend to classify it that way because 25 we don't -- we can't call it talc because the --

<p style="text-align: right;">Page 34</p> <p>1 whatever the mineral was, it was there in sufficient 2 amounts that it contributed to the signal. 3 There are some times where the system marks 4 in red a very low concentration, almost potentially 5 an error-based concentration of some component. And 6 in that case, we can ignore it. In this instance, 7 they were at a level that we couldn't ignore. 8 Q. I just asked you about that -- or just 9 asked you that there were five blocks reviewed by 10 SEM/EDX as reflected in this page. You had 11 received, though -- as we saw on the second page of 12 this document -- seven paraffin blocks. Do you 13 recall seeing that? Please feel free to look back 14 at page 2 where it says "seven paraffin blocks were 15 received." 16 A. Yeah. 17 Q. Why were only five analyzed by SEM/EDX? 18 A. We already found 208 talc particles, and we 19 had talc fibers and asbestos fibers. And there 20 really wasn't a need to do any more. 21 Q. Going back to the "summary of analyzed 22 particles" page. With regard to the five blocks, it 23 makes reference to something called tremolite fiber 24 and a tremolite fragment. Do you see that? 25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 as -- talc particles, fibers, and also tremolite 2 fiber. 3 Q. Are these -- I'm sorry. Go ahead. 4 A. But on -- I don't have a page. But this 5 page, these are not -- these are secondary electron 6 images so that these are -- these are not with the 7 EDX system. So we're not labeling any of these 8 fibers. We're just showing how they -- the 9 particles and fibers were inside cells and focused 10 in areas, mostly macrophages. 11 Q. You're looking at a page that has four 12 photos on it? 13 A. Yes. Yes. There it is. 14 Q. Can you point -- 15 A. So I can't tell you what any of those 16 fibers or particles are in this picture. But these 17 are pictures that are then looked at at higher 18 magnification in the subsequent pictures where we 19 focus in on certain of the particles. We just have 20 an enormous number of particles here, and we're 21 selectively analyzing some of them. 22 Q. Did you say, with regard to the page that 23 has the four pictures on it, that you could see from 24 that page particles in cells? 25 A. Yes. These are -- all of these lighter --</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. What is the difference as reported in this 2 page as between a tremolite fiber and a tremolite 3 fragment? 4 A. A fragment would be -- have an aspect ratio 5 of less than 3 to 1. 6 Q. A tremolite fiber would have an aspect 7 ratio of at least 3 to 1; is that correct? 8 A. That's correct. 9 Q. With regard to the tremolite fragments, did 10 you record for each fragment what the length-to- 11 width ratio was? 12 A. Probably not. 13 Q. Looking over the next several pages -- and 14 in particular into the pages that are the electron 15 images and the spectrum -- are these showing the 16 electron images and spectrum of particles that 17 you're calling talc? 18 MR. DEARING: Can you be specific which 19 ones you're referring to? 20 MR. HEGARTY: They don't have page 21 numbers. It would be all of them. 22 Q. In other words, what are the particular 23 spectrums on the images and spectrums that are shown 24 in this document? 25 A. Okay. There are talc fibers shown as well</p>	<p style="text-align: right;">Page 37</p> <p>1 you can see kind of the background of the tissue. 2 And then the brighter material are all collections 3 of particles in cells. And these are fairly low 4 magnification. So that kind of -- each of -- there 5 are just thousands of particles on this page. 6 Q. How are you able to tell that the particles 7 are in cells from this picture? And you're looking 8 at the upper left picture; correct? 9 A. As you look at almost any of these 10 pictures, you have particles collected in a 11 particular pattern. And that pattern suggests that 12 these are within macrophages within the tissue. And 13 so the fact that these are not individual particles 14 scattered around, these are particles that have been 15 picked up by defensive cells of the body. 16 Q. So what shape do you need to see for you to 17 conclude that what you're looking at are particles 18 within macrophages? 19 A. All of these shapes are suggestive of that. 20 Q. Is there a reference book that I can go to 21 that would report that, with regard to this type of 22 picture, this type of shape, that it does mean that 23 what you're looking at are particles within 24 macrophages? 25 A. Well, for example, our paper on the</p>

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<p style="text-align: right;">Page 38</p> <p>1 migration of talc shows similar kinds of pictures, 2 and because, when you look at these, you can -- at 3 higher magnification, you can see that there's a 4 cell membrane around all of this. 5 And this is sort of looking like a 6 collection of particles that have gotten there 7 because they've been taken up by the cells. But I 8 can't refer you to a specific book. But you can 9 look at almost any book on macrophages, and they 10 would show you a macrophage filled with particles. 11 And that's what this represents. 12 Q. Does this represent a single macrophage for 13 each picture? 14 A. No. These are probably multiple 15 macrophages. So as you look at these where you have 16 a group, that group is within one cell. And then 17 there are others. And as you look at these, for 18 example -- 19 Q. Can I interrupt you? Can you circle on 20 that page a group that you would say is -- 21 represents the particles within macrophages in any 22 one of those four pictures? 23 A. Okay. Now, you have to realize that this 24 picture and this picture are the same picture at 25 higher magnification.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I would interpret it that way. And then up 2 here, we can see sort of -- we have this one. And 3 we have these as more likely than not single 4 macrophages. 5 Q. That's in the upper left-hand corner 6 picture? 7 A. There are three here. And then there are a 8 group here where I can't really distinguish at this 9 magnification where the borders are, but just 10 knowing it -- and if you look at -- if you looked at 11 this under polarized light, what you would see would 12 be a cell that has essentially a clear cytoplasm. 13 Then under polarized light, it would show all the 14 particles. And you can see that in my report. 15 Q. Turn over to Electron Image 5. Is this an 16 example of a single cell or single macrophage that 17 has particles in it? 18 A. I would interpret it that way, yes. 19 Q. So you interpret this as showing a -- this 20 is a macrophage with particles in it? 21 A. What we're looking at here is -- if you 22 think of this glass as a macrophage, we're looking 23 at a plane of this. And so as we look at it, they 24 -- the macrophage can have all sorts of undulations 25 of its surface so that this is -- this may be</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. You're talking about the upper left-hand 2 and the lower right? 3 A. And the lower right. And -- 4 MR. DEARING: Actually, that's 5 backwards. 6 Q. I'm sorry. Lower left and upper right? 7 A. Yeah. This picture and this picture, look 8 at them from a distance. Do you see it? 9 Q. For the record, you're now looking at the 10 upper right and the lower left? 11 A. Yes. 12 Q. They are the same picture, different -- 13 A. Magnification. 14 Q. -- magnifications? 15 A. Yeah. 16 Q. Okay. 17 A. And so if we take that picture and we 18 circle this one, you can appreciate how this would 19 be one large cell all filled with particles. And if 20 we look at the scale down here, this is almost a 21 hundred micrometers in this area. And so that 22 wouldn't be unusual for a macrophage that picks up a 23 lot of particles. 24 Q. So the one area you circled is a single 25 macrophage; is that correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 cutting through the edge of the cell. So perhaps 2 the plane is out here and you're able to see all of 3 these particles within the macrophage. 4 Q. As far as the next several images, are 5 these just examples of the images and spectrum that 6 you saw from your review of particles in the 7 Gallardo case? 8 A. Yes. 9 Q. So these were added to be examples of what 10 you saw using SEM/EDX? 11 A. These are examples of what we saw using 12 SEM. 13 Q. You also identified the tremolite fibers 14 and the tremolite fragments by SEM/EDX; correct? 15 A. That's correct. 16 Q. Tremolite comes in asbestosiform and 17 non-asbestosiform types; correct? 18 A. It can be in the form of a particle and in 19 the form of a fiber. 20 Q. Understood. But you understand the 21 difference between an asbestosiform asbestos -- 22 A. Yes. 23 Q. -- and non-asbestosiform, quote, "asbestos," 24 closed quote? 25 A. Yes.</p>

1 Q. And tremolite is one of those asbestos 2 types that can come in a non-asbestiform and an 3 asbestiform; correct? 4 A. It can be essentially a particle or a 5 fragment. 6 Q. No. But I'm not asking whether it can be a 7 particle or fragment. 8 A. What -- I'm not -- we may not be using the 9 same definition of "asbestiform." 10 Q. Right. Let me go back and start over 11 again. 12 Do you understand that tremolite -- the 13 mineral tremolite can come in a non-asbestiform 14 type? 15 MR. DEARING: Objection. Form. 16 A. I'm agreeing with you on that. 17 Q. Okay. And you agree that tremolite can 18 also come in an asbestiform type? 19 A. Yes. 20 Q. Tremolite non-asbestiform can break and 21 become a cleavage fragment; correct? 22 A. Yes. Or as an asbestiform fiber, it can 23 also fragment and be essentially a fragment that 24 doesn't have an aspect ratio greater than 3 to 1. 25 Q. Your method -- that is, what you used here	Page 42 1 could be going in this direction. We can only say 2 that what we're able to see of this structure is a 3 less than 3 to 1 aspect ratio, and so we'll call it 4 a fragment. It could be a fiber, but we can't see 5 it. So we can't call it that. 6 Q. When you say "fragment," are you meaning 7 that it could be a non-asbestiform type of 8 tremolite? 9 A. It could be, or it could be asbestiform. 10 Q. As to those particles you call a tremolite 11 fiber that has a 3 to 1 or greater aspect ratio -- 12 A. Yes. 13 Q. -- could that also not be a -- could that 14 also be a non-asbestiform tremolite particle that 15 has fractured and fractured in a way that it has a 16 greater than 3 to -- 3 to 1 or greater aspect ratio? 17 MR. DEARING: Objection. Form. 18 A. No. That would not meet the definition. 19 Q. Let me ask it a different way, though. Do 20 you agree that, if you have a chunk of non- 21 asbestiform tremolite and you fracture that chunk, 22 that you can have pieces break off that can be 3 to 23 1 or greater in the length-to-width aspect ratio? 24 MR. DEARING: Objection. Form. 25 Q. Are you following my hypothetical?
Page 43 1 to identify the tremolite as a fragment or a fiber 2 -- cannot distinguish between an asbestiform and 3 non-asbestiform type of tremolite; correct? 4 MR. DEARING: Objection. Form. 5 A. No. Absolutely not. 6 Q. Wouldn't -- don't you need to use energy 7 dispersive X-ray analysis to look at the morphology 8 and the features of a tremolite mineral to determine 9 whether it's asbestiform or non-asbestiform? 10 MR. DEARING: Objection. Form. 11 A. You look at the -- you look at what you 12 have. And you do an EDX spectrum. And you see that 13 it has a magnesium/silica -- silicon ratio that's in 14 the range of tremolite. 15 You then look at the structure of it. And 16 you see that it's a fiber greater than 3 to 1 and it 17 has parallel sides. It meets the characteristics of 18 a fiber. And so that's an asbestiform tremolite 19 fiber. 20 If you look at it and -- having identified 21 by the chemistry that it's most likely tremolite and 22 it is a fiber but it's not 3 to 1, that can either 23 be a fragment or -- because we're looking at a block 24 of tissue where a fiber could be going in this 25 direction, it could be going in this direction, it	Page 43 Page 45 1 A. That's possible. But then it behaves like 2 a fiber. 3 Q. If we put that part of it aside, though. 4 Now I'm -- 5 A. Well, you can't put it aside, though. 6 Q. My question is a little bit different. If 7 you are looking in your -- using your equipment -- 8 at a non-asbestiform tremolite particle that is a 9 cleavage fragment but it has 3 to 1 or greater 10 aspect ratio -- are you following me so far -- 11 A. Okay. 12 Q. -- you couldn't tell whether that was, by 13 your method, a fiber -- an asbestiform tremolite 14 that grew in an asbestiform habit or a non- 15 asbestiform tremolite that's a cleavage fragment; 16 correct? 17 MR. DEARING: Objection to form. 18 A. No. That doesn't make any sense. 19 Q. Tell me why it doesn't make any sense. 20 A. Because if you have a structure that is a 21 fiber by definition -- greater than 3 to 1 aspect 22 ratio, parallel sides -- that is going to behave 23 like a fiber, regardless of how it got there. And 24 when it has the structure and components of a 25 substance that meets all those criteria, then you

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1 have to call it that. 2 And in the same way, you know, it's not 3 perfect, because there are times when we have 4 perfectly fine fibers but just due to their 5 orientation -- and you don't get this when you have 6 fibers on a filter. When fibers are on a filter, 7 they're all sitting there like this. You can see 8 that it's a fiber. But when they're in the tissue, 9 they can be in any orientation. And depending on 10 what that orientation is, you may not see it as the 11 true size or length that it is. You see a portion 12 of it. 13 So although we can identify the composition 14 of it as tremolite and we can say that it either is 15 or isn't a greater than 3 to 1 ratio -- that gives 16 us a bit of information. But it may or may not tell 17 the whole story. 18 Q. With the spectrum -- let me start over 19 again. 20 The spectrum would look the same as between 21 a non-asbestiform and an asbestiform tremolite; 22 correct? 23 MR. DEARING: Objection. Form. 24 A. The spectral composition, if it's 25 tremolite, would have the features of tremolite,	Page 46 1 next the pathology report you provided. 2 (Pathology report for Gallardo case, 3 Exhibit 3, marked) 4 Q. I'm showing you what I've marked, Dr. 5 Godleski, as Exhibit No. 3. Is this the pathology 6 report that you reviewed for the Gallardo case? 7 A. Yes. 8 Q. How did you get this pathology report? 9 A. Came with the slides. 10 MR. HEGARTY: I want to next mark as 11 Exhibit No. 4 the handwritten notes that we 12 received. 13 (Handwritten notes for Gallardo case, 14 Exhibit 4, marked) 15 Q. So I'm handing you what's been marked as 16 Exhibit No. 4. Are these your handwritten notes 17 with regard to the particles that were reviewed for 18 Ms. Gallardo's slides? 19 A. This is Dr. McDonald's handwriting. 20 Q. Is any of this handwriting your 21 handwriting? 22 A. Huh? 23 Q. Is any of this your handwriting? 24 A. This is -- I'm pretty sure this is all 25 Dr. McDonald's handwriting.
Page 47 1 yes. 2 Q. Regardless of non-asbestiform and 3 asbestiform? 4 A. Right. 5 Q. And when you see what you've identified as 6 tremolite by the spectrum but it has a 3 to 1 or 7 greater length-to-width aspect ratio, you call that 8 a fiber? 9 A. Yes. 10 Q. If you see less than 3 to 1, you call it a 11 fragment? 12 A. Yes. 13 Q. Okay. This set of materials -- the 14 analysis summary for Ms. Gallardo -- also includes 15 photos of tissue with dots, like a yellow dot in it. 16 Do you see that? 17 A. Yes. 18 Q. Explain for me, again, what this yellow- 19 dotted photo is showing. 20 A. The yellow dot usually is an indication 21 that, looking at the block, that's where most of the 22 particles were seen. 23 MR. HEGARTY: I'm going to go ahead and 24 mark as exhibits the other documents we received for 25 Ms. Gallardo's case. I want to start by marking	Page 49 1 Q. With regard to the slides that had 2 birefringent particles -- which is on the left-hand 3 side -- did someone, whether Dr. McDonald or someone 4 else, record the number of particles identified in 5 each of these slides? 6 A. Probably not. 7 Q. Are these notes -- I should say this note 8 that we marked Exhibit No. 4 -- the only 9 recordkeeping of the review of the particles in the 10 slides besides the PLM images? 11 A. Yes. So that -- in our report, we would 12 say whatever the total number of slides looked at 13 versus the number of slides with the birefringent 14 particles. 15 Q. Does this handwritten note reflect that 50 16 total slides were reviewed? 17 A. I didn't count them up, but yes. 18 Q. There are -- I counted. There are 25 on 19 each side. 20 A. Okay. 21 Q. Does that mean that 50 total slides were 22 reviewed? 23 A. Sounds right. 24 Q. If there are 25 slides under the heading 25 "slides with birefringent particles" and 25 slides

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<p>1 under the heading "slides without birefringent 2 particles," does that mean that half of the slides 3 or 50 percent had birefringent and the other half 4 didn't?</p> <p>5 A. That's correct.</p> <p>6 Q. The notes at the bottom say "recommended 7 blocks for further studies: A8, B4, B18, I2, L2, 8 M1, and O2."</p> <p>9 A. Yes.</p> <p>10 Q. Or O2 -- O2. Why were these blocks 11 requested?</p> <p>12 A. They had probably the most particles or the 13 -- clearly particles within macrophages would be -- 14 or within cells -- those would be the criteria -- 15 so that we look at all the slides. There are 25 or 16 half of them with birefringent particles. Then 17 we're not going to look at all 25 of those.</p> <p>18 So we pick a subset, usually a distribution 19 over -- that includes the cervix, the fallopian 20 tubes, the ovary, and lymph nodes. And I think that 21 is what is done here. Perhaps both ovaries were 22 sampled, but we would choose what we would consider 23 the best block from, say, the ovary or the fallopian 24 tube.</p> <p>25 And more often than not, that is related to</p>	<p>Page 50</p> <p>1 doing a case like this?</p> <p>2 A. We discuss that all the time and on every 3 case.</p> <p>4 Q. What standard do you apply or do you tell 5 her to apply?</p> <p>6 A. Well, as I said, we want to have areas 7 where there's definite intracellular or within-the- 8 tissue particle. We want to have a normal tissue 9 adjacent to a tumor but not a lot of tumor, if we 10 can avoid it. And we want a distribution that looks 11 at from the cervix to the lymph nodes.</p> <p>12 Q. Still staying with Exhibit No. 4. You see 13 at the bottom it says B4 "and M1 were not examined 14 by SEM/EDX"? Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know why that was the case?</p> <p>17 A. Probably in this case because we had so 18 many positive particles -- talc particles already.</p> <p>19 Q. You said "probably." Do you have a 20 specific memory as to why --</p> <p>21 A. I don't have a specific memory.</p> <p>22 Q. -- they were not reviewed? We have 23 discussed this before as -- but as to Ms. Gallardo's 24 case, you cannot say that birefringent material seen 25 is talc; correct?</p>
<p>Page 51</p> <p>1 how much normal tissue is there rather than tumor 2 because we feel tumors is new growth. And within 3 these kinds of malignancies, they tend to have a lot 4 of calcium so that you would end up -- and they have 5 calcium particles everywhere. So you'd end up 6 analyzing endogenous calcium particles forever. So 7 we tend to stay away from tumor and try to find 8 areas of normal tissue.</p> <p>9 Q. Was the recommendation for the blocks for 10 further study in this case -- that is the Gallardo 11 case -- made by Dr. McDonald?</p> <p>12 A. These are Dr. McDonald's suggestions. I 13 usually review the case, review her suggestions. 14 And she's an excellent pathologist and usually makes 15 good recommendations. So more often than not, I 16 accept her recommendations either completely, or 17 I'll sometimes suggest other ones.</p> <p>18 Q. Do you recall, sitting here today, if you 19 looked back over what she had done in the Gallardo 20 case?</p> <p>21 A. I have no idea. That was five years ago, I 22 think.</p> <p>23 Q. Did you ever give Dr. McDonald any 24 standards back when she was reviewing the Gallardo 25 case as far as which -- what blocks to request when</p>	<p>Page 53</p> <p>1 A. You can't say that, but they're highly 2 correlated.</p> <p>3 Q. As we discussed before, though, lots of 4 particles are birefringent; correct?</p> <p>5 A. Yes.</p> <p>6 MR. DEARING: Object to form.</p> <p>7 Q. We talked before that components of dirt 8 and dust are birefringent; correct?</p> <p>9 A. Can be.</p> <p>10 Q. Did you ever -- did you attempt in the 11 Gallardo case to correlate the findings by polarized 12 light microscopy here with the number of particles 13 you found by SEM, just as you did in one of your 14 papers?</p> <p>15 A. I don't think we did that specifically, but 16 I think it's a pretty good correlation where you see 17 all this particulate in tissue and then a very large 18 number of talc particles and fibers and tremolite 19 particles and fibers in the tissue.</p> <p>20 MR. HEGARTY: I want to mark next your 21 expert report for the Gallardo case. I believe 22 we're on Exhibit No. 5.</p> <p>23 (July 21, 2021 expert report for 24 Gallardo case, Exhibit 5, marked)</p> <p>25 Q. We marked as Exhibit No. 5 your July 21,</p>

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1 2021 report for the Gallardo case. Is what we 2 marked as Exhibit No. 5 your July 21, 2021 expert 3 report for Ms. Gallardo? 4 A. Yes. 5 MR. HEGARTY: I want to mark next the 6 invoice we've been provided in this case. We'll 7 mark that invoice as Exhibit No. 6. 8 (Invoice for Gallardo case, Exhibit 6, 9 marked) 10 Q. Please look at Exhibit No. 6, Dr. Godleski, 11 and tell me if that is the invoice for your work on 12 the Gallardo case. 13 A. Yes. 14 Q. Is that invoice complete as far as the 15 amount you have invoiced for your work on the 16 Gallardo case? 17 A. Yes. Aside from the work that I did in 18 preparing for this deposition. That is all of what 19 we had done up until that point in August of 2021. 20 MR. HEGARTY: I want to mark next the 21 chain of custody documents we received from you for 22 the Gallardo case. I believe we're up to Exhibit 23 No. 7. 24 (July 28, 2021 cover letter and chain of 25 custody documents for Gallardo case, Exhibit 7,	Page 54 1 released or that -- the first entry shows the 2 releasing party to be Barnes-Jewish Hospital. 3 A. Yes. 4 Q. If you look towards the bottom, it shows 5 the recipient as being Sandra McDonald; is that 6 correct? 7 A. Yeah. 8 Q. It has a date of 6/17/2021; correct? 9 A. Yes. 10 Q. Then under that is a witness signature. Is 11 that your signature? 12 A. Yes. 13 Q. Is any of the handwriting above your 14 signature your handwriting? 15 A. No. 16 Q. Is that Dr. McDonald's handwriting? 17 A. Yeah. 18 Q. Do you see that your witness was not -- 19 signature does not have a date or time associated 20 with it? Do you know why that was not filled in? 21 A. No. I probably expected she would have put 22 it in, but I didn't. 23 Q. Staying with the receipt information. Do 24 you see where it reports receipt of 66 histologic 25 slides and 50 histologic blocks? You see that?
Page 55 1 marked) 2 Q. Exhibit No. 7 is a July 28, 2021 cover 3 letter from you to Jana Azpell of Shook, Hardy & 4 Bacon -- my law firm -- listing several documents 5 that follow, including towards the end chain of 6 custody documents. Do you see that, Doctor? 7 A. Yeah. 8 Q. Are you aware of any more documents that 9 you have provided related to the Gallardo case that 10 we have not marked as an exhibit? 11 A. No. 12 Q. Please turn in Exhibit No. 7, Dr. Godleski, 13 to the chain of custody documents, the last couple 14 of pages of that exhibit. And tell me when you're 15 there. 16 A. I would think there should be a chain of 17 custody for the blocks, which don't seem to be 18 there. Is there a separate one? 19 Q. I was going -- I'll ask you about that. 20 I'll follow up with you in relation to that. 21 So let's start with the chain of custody 22 form beginning with the date at the top of June 16, 23 2021. Please tell me when you see that. 24 A. Yes. 25 Q. This reports at the top that it was	Page 55 Page 57 1 A. Yeah. 2 Q. In looking at the "50" number, does it 3 appear that that number was written over? Or are 4 you seeing something different than I am? 5 A. It looks like 50 histologic blocks. 6 Q. That is, again, Dr. McDonald's handwriting, 7 though? 8 A. Yes. 9 Q. If we look at the above section for 10 Barnes-Jewish, it appears they didn't fill in what 11 they had sent; correct? 12 A. Right. 13 Q. But what you -- what Dr. McDonald reported 14 receiving is 66 slides and 50 blocks. 15 A. Yes. 16 Q. And the location, is that 304 Central 17 Avenue -- is that your home? 18 A. Yes. That's my office. 19 Q. That's your office? 20 A. And home. 21 Q. Please turn to the next page with a date at 22 the top of July 27, 2021. Do you see that? 23 A. Yes. 24 Q. This is you -- this is the part where 25 you're shipping the slides and blocks out; is that

1 correct? 2 A. Yes. No. We're shipping the 66 slides, 3 and we're sending histologic shavings from seven 4 paraffin blocks. 5 Q. Thank you for correcting me. I was going 6 to correct myself when I said that. 7 What you're reporting to have shipped on 8 July 27, 2021 are the 66 histologic slides and 9 histologic shavings from seven paraffin blocks; 10 correct? 11 A. Yes. 12 Q. And to follow up, what you mentioned a 13 short time ago, where is the chain of custody 14 documents with regard to the 50 paraffin blocks? 15 A. Well, we received them. And either we 16 didn't send you chain of custody of the blocks -- 17 but I would think we sent you the blocks. 18 Q. You would expect that you still -- that you 19 still have the blocks -- let me start again. 20 You would expect that you would not still 21 have the blocks; is that correct? 22 A. I would expect we don't still have the 23 blocks. 24 Q. If you had sent the blocks with the July 25 27, 2021 chain of custody document, should those	Page 58 1 MR. HEGARTY: Right. Right. 2 Q. Would you have shipped all 50 blocks? 3 A. I assume that we did because they were not 4 in the -- with the case. 5 Q. Would you be able to also go back and look 6 this evening to see if you still have any of the 7 blocks from the Gallardo case? 8 A. Yes. Yes. 9 Q. As far as the -- 10 A. And in the cover letter, we say we're 11 shipping slides, all blocks used for SEM/EDX and 12 shavings and -- wait a minute -- "all blocks, blocks 13 used for SEM/EDX shavings, CoC, and path report." 14 Q. Right. And if you look at the materials 15 that I marked as Exhibit 7, all those things are 16 there that you just described, except for a 17 reference to the blocks -- to shipping the blocks; 18 right? 19 A. Right. So do you have the -- do you have 20 all those materials? 21 Q. We can look to see if we have all those 22 materials. But my question, though, is, if you had 23 shipped the blocks with this cover letter, why were 24 they not referenced in the July 27, 2021 chain of 25 custody document?
Page 59 1 have been referenced in what you're sending? 2 MR. DEARING: Objection. Form. 3 A. If we had sent the blocks, they would have 4 been listed on this form. We sent the slides and 5 the paraffin blocks or -- the shavings from the 6 paraffin blocks. We did not send the blocks at this 7 time. I would expect we sent the blocks we studied 8 as well as the blocks we didn't study at some later 9 time. 10 Q. Do you still have your own files for the 11 Gallardo case where you can look back to see if you 12 got a separate chain of custody for sending the 13 blocks back? 14 A. We should. There should be. I can look 15 back. Yes. 16 MR. HEGARTY: I think, David, that was 17 the one request that I had made earlier about the 18 chain of custody for the blocks for the Gallardo 19 case. And we would ask that that be provided. 20 MR. DEARING: When he goes home tonight, 21 I guess he can see if he has it. 22 THE WITNESS: Yeah. 23 MR. DEARING: Although, if he shipped 24 the blocks with the chain of custody, he wouldn't 25 have them. So you guys would have them, but anyway.	Page 60 Page 61 1 A. I would think they should and so that 2 either I still have a copy of the chain of custody 3 or you have the chain of custody. I suspect you do. 4 Q. As far as the handwriting on the released 5 chain of custody portion of the document, is that 6 Dr. McDonald's handwriting? 7 A. Yes. Wait a minute. 8 Q. The very last page. 9 A. Yes. That's her handwriting, except for my 10 signature. 11 Q. Do you see at the top there's a dark line 12 with the initials "SM 7," slash, "7," slash, "21"? 13 A. Yeah. 14 Q. Do you know why that line is marked through 15 at the top with her -- with SM's initials there? I 16 assume that's Sandra McDonald; right? 17 A. Yeah. I suspect that whatever -- whoever 18 originated this form and was filled out by 19 Barnes-Jewish had that information because that 20 information doesn't seem to apply to this case. I 21 don't see anything on there that says anything about 22 this case. So I think it's just extraneous printing 23 on the form. That's why it's crossed out. 24 Q. That's what I was going to ask you next, 25 that there are litigation designations at the top of

1 these forms that at least on the second page is 2 crossed through. Those litigation designations 3 don't appear for this case. 4 A. It's crossed through on the first page too. 5 Q. It's crossed through on the first page as 6 well; right? 7 A. Yeah. 8 Q. Do you know where this original form came 9 from? 10 A. Came with the slides and blocks. 11 Q. Okay. 12 A. Just as it says. And near as I can tell, 13 that doesn't necessarily look like -- although 14 "Barnes-Jewish Hospital" looks a bit like 15 Dr. McDonald's writing. The rest of it I don't 16 think does maybe. I don't know. 17 Q. That was -- I was also going to ask you 18 about it. In the "Barnes-Jewish Hospital" section 19 of it that's not completely filled out, do you know 20 who Krista Dirnberger is? 21 A. I have no idea. 22 Q. Is any of that handwriting from what you 23 can tell Dr. McDonald's handwriting, particularly 24 the date of 6/16/21, the "department of surgical 25 pathology"? Is that any of her handwriting?	Page 62 1 didn't ship them. I'm sure we did. 2 MR. HEGARTY: I will look at the 3 document to see that. 4 Q. But I would like you to go back and see if 5 you can find your own document. I'll go look at our 6 documents. Does that sound fair? 7 A. Yeah. Yeah. Okay. 8 Q. With regard to the -- let me start over 9 again. 10 Let's look more closely at your report for 11 the Gallardo case, which we marked as Exhibit No. 5. 12 You have at the end of that report a list of 13 references numbered 1 through 16. Do you see that, 14 Dr. Godleski? 15 A. Yes. 16 Q. In talking about Ms. Gallardo's case, do 17 you anticipate specifically referring to any of 18 these references? 19 MR. DEARING: Objection. Form. I was 20 making a note. Can you ask the last question again? 21 Sorry. 22 Q. Sure. My question was, when you're talking 23 about Ms. Gallardo's case in front of the jury -- 24 A. Yes. 25 Q. -- do you anticipate specifically referring
Page 63 1 A. Not that I can tell for sure. 2 Q. Do you have any documentation that you're 3 aware of where you made a request for the slides and 4 blocks to Barnes-Jewish Hospital? 5 A. The -- I think the request came from 6 Beasley Allen and may have been over my signature. 7 Q. Do you recall seeing any documents that 8 have your signature -- 9 A. No. 10 Q. -- on them requesting blocks and slides for 11 the Gallardo case? 12 A. Not that I recall. 13 MR. DEARING: Mark, can I ask something 14 before we get too far afield from the chain of 15 custody? Are you suggesting you guys didn't receive 16 the blocks with this shipment, or you're just asking 17 why you did receive them but they're just not noted 18 in the chain of custody? 19 MR. HEGARTY: My question is -- 20 regardless of what we received -- if they were 21 shipped as the cover letter says, there should be a 22 listing on the chain of custody that specifically 23 refers to the blocks. And I'm curious why that's 24 not there. 25 MR. DEARING: You're not suggesting he	Page 65 1 to, as part of that testimony, any of the references 2 at the end numbered 1 through 16? 3 MR. DEARING: Objection. Form. 4 A. Possibly. 5 Q. You testified recently -- I say "recently," 6 back in 2021 -- in the Kleiner and Giese cases. One 7 was in Pennsylvania. One was in St. Louis. Do you 8 recall that? 9 A. Uh-huh. 10 Q. Yes? 11 A. Yes. 12 Q. Yes. Have you changed or modified any of 13 your general opinions that you provided at those two 14 trials? 15 A. No. 16 Q. Do you have any new or changed opinions 17 from -- with regard to general areas about talc and 18 asbestos from those you have provided previously? 19 A. Not really. Based on this case, it appears 20 that the possibility of talc emanating from the 21 perineum -- can get all the way to the omentum, 22 which is unusual in our experience for sure. But 23 the fact is that in this case, there was a 24 birefringent material and so much in the lymph nodes 25 that it looks like it got all the way to the

1 omentum. 2 And of course, the omentum is a common site 3 of metastases from ovarian cancers, so that, the 4 possibility that that's part of the distribution, is 5 something to consider. But, for example, in our 6 migration paper, none of those had migration all the 7 way to the omentum. 8 Q. Do you have any other opinions generally as 9 it relates to asbestos and/or talcum powder that are 10 different from or in addition to what you previously 11 testified about? 12 A. No. 13 Q. With regard to Ms. Gallardo, do you know if 14 she's still living? 15 A. No. 16 Q. Do you know where she lives? 17 A. No. 18 Q. As to your July 21, 2021 report, it 19 contains your signature at the end; is that correct? 20 A. Yes. 21 Q. With regard to the Gallardo case, were you 22 asked to identify talc in any fibers, asbestos, 23 other particles you could find? 24 MR. DEARING: Objection. Form. 25 Q. Let me ask it a different way.	Page 66 1 A. Yes. 2 Q. Does your report that we marked as Exhibit 3 No. 5 contain what you intend to testify to with 4 regard to Ms. Gallardo? 5 A. Yes. 6 Q. Was the methodology you used for 7 Ms. Gallardo's case the same as you had previously 8 used in other cases where you have been deposed 9 and/or testified? 10 A. Yes. 11 Q. Did you do anything different here than you 12 have done in any other case where you prepared a 13 report like this? 14 A. No. 15 Q. With regard to the SEM and microscope, the 16 PLM microscope, did you use the same equipment that 17 you used in other cases? 18 A. Yes. 19 Q. You don't report doing Raman spectroscopy 20 for the Gallardo case; is that correct? 21 A. That's correct. 22 Q. That means you did not do it; correct? 23 A. That's correct. 24 Q. You did that in at least one of the cases 25 where you've testified in. Do you recall that?
Page 67 1 With regard to the Gallardo case, what were 2 you asked to do? 3 A. The same as every case we get basically. 4 So I don't think there was a specific request of 5 what to do. We got the slides. We got the blocks. 6 Go to work. 7 Q. And when you say "go to work," what are you 8 working to do? 9 A. We're working to document the exposure by 10 finding talc in the tissues, we believe, that 11 documents the exposure. 12 Q. At the time that you went to do your work 13 for the Gallardo case, were you aware that 14 Ms. Gallardo was a plaintiff in a case alleging 15 ovarian cancer from talcum powder exposure? 16 A. Yes. 17 Q. When you set out to do your work, were you 18 looking specifically to try to find talcum powder? 19 A. We're looking to find what's there. 20 Q. That would include looking for talc; 21 correct? 22 A. Talc and finding what's there. 23 Q. Do the materials we marked as exhibits show 24 what you were able to find or what you did find for 25 the Gallardo case?	Page 69 1 A. No. 2 Q. What would be the reason, if any, to do 3 Raman spectroscopy in any case like this? 4 A. Well, the -- 5 MR. DEARING: Objection. Form. 6 A. Raman spectroscopy is another means to 7 identify talc, and it has advantages and 8 disadvantages. One of the disadvantages is that 9 it's extremely hard to find the particles as you 10 start doing Raman spectroscopy, and you can spend 11 hours trying to find one particle that you know is 12 there. And that's the limitation of the technique. 13 So that's why it's not widely used. 14 The new equipment is attempting to get 15 around that. The first new invention that I saw 16 that combines scanning electric microscopy and Raman 17 spectroscopy, when the specimen moved to the Raman 18 spectroscopy, it was not sufficiently accurate to 19 find the particle. 20 This Zeiss equipment claims it can, but 21 they've yet to demonstrate it. And even -- it's 22 something that I'd like to try and work on with them 23 and see if it's possible. But it may not be 24 possible either. So that remains to be seen, but 25 that's what we're doing. Whether such an instrument

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<p>1 can be made available is a question, and who has 2 one. My company's not in a position to buy one. 3 Q. Please turn to page 2 of your report. In 4 the first full paragraph of page 2, it says that you 5 reviewed 66 slides.</p> <p>6 A. Yes.</p> <p>7 Q. In fact, from what we looked at, did 8 Dr. McDonald review those slides?</p> <p>9 A. I think we both reviewed them.</p> <p>10 Q. Why do you think you both reviewed them?</p> <p>11 A. Because I say I did it.</p> <p>12 Q. Okay. Fair enough. As we saw in the chain 13 of custody documents, you did get 66 slides. Do you 14 know if those are all the slides that were available 15 for Ms. Gallardo's cancer surgery?</p> <p>16 A. Yes.</p> <p>17 Q. You say in this paragraph we're looking at 18 that "The histologic slides listed above were 19 reviewed with light microscopy." Do you see that 20 about five lines up from the bottom?</p> <p>21 A. Okay. Do you want to stop before that and 22 finish the point on the 65 versus 66?</p> <p>23 Q. You have a point you want to make. I do 24 have a question about that, but go ahead and make 25 what you want to say with regard to the 65 slides</p>	<p>1 Q. So it does appear here that you did review 2 the frozen section slides too?</p> <p>3 A. Yes. But there were two slides made of 4 that.</p> <p>5 Q. We saw, though, that in the handwritten 6 notes there were only 50 slides reviewed. Can you 7 tell me why the handwritten document which we have 8 marked as Exhibit No. 4 only has 50 slides on it?</p> <p>9 And please feel free to count them, if you want to.</p> <p>10 A. Well, that didn't include AFS1 and 2 or -- 11 FS1 and FS1, dash, 2. It didn't include the others. 12 I'm not sure which others it doesn't include.</p> <p>13 Q. So does it appear that not all 66 slides 14 were reviewed by light microscopy because they're 15 not all referenced in Exhibit No. 4?</p> <p>16 A. That's possible.</p> <p>17 Q. From the 66 slides, you then requested 18 certain blocks of tissue --</p> <p>19 A. Wait a minute. Birefringent particles were 20 observed in 25 slides of the 50 blocks reviewed. So 21 it may be that we only reviewed those slides on 22 which we had blocks.</p> <p>23 Q. So is it your thinking that the 50 tissue 24 blocks didn't represent or -- let me start over 25 again.</p>
Page 71	Page 73
<p>1 versus the reference to 66.</p> <p>2 A. Well, further down, it says there were 2 3 slides from the same block labeled FS1 and FS2, 4 frozen sections, and so that there were actually two 5 slides cut from this block.</p> <p>6 And we probably didn't review one of those 7 because we don't -- we never use frozen section 8 slides because they tend to be in a very much less 9 controlled area where they can get a lot of 10 contamination. So we never use them.</p> <p>11 Q. You jumped ahead of me, but let me circle 12 back to what you're talking about. You note at the 13 top that you reviewed 66 slides on Anna Gallardo. 14 You say that -- you then go on to say "which 15 represent 65 histologic slides." But if you look 16 farther down, about eight lines down, you note that 17 you also received a single -- let me finish the 18 question.</p> <p>19 You also report receiving a single slide 20 labeled M13, dash, 3243, which is a cytologic 21 preparation of pelvic washing without malignant 22 cells. That is the slide you did not review.</p> <p>23 A. Yes.</p> <p>24 Q. That is the 65 plus one that equals 66.</p> <p>25 A. Yeah.</p>	<p>1 Is it your interpretation that there were 2 slides that you received which you did not have 3 corresponding tissue blocks for?</p> <p>4 A. So it would seem.</p> <p>5 Q. From your reading of this paragraph?</p> <p>6 A. Yes.</p> <p>7 Q. From your review of the slides as we just 8 talked about, you asked for seven blocks and 9 reviewed five of those. Do you recall talking about 10 that?</p> <p>11 A. Yes.</p> <p>12 Q. And if you could pull out the path report 13 that we marked as Exhibit 3. Could you turn over to 14 the page that has "specimens received" on it? Do 15 you see that page, Dr. Godleski?</p> <p>16 A. Yeah.</p> <p>17 Q. Can you tell me, looking at the numbering 18 system -- the lettering system A through P, which 19 blocks you reviewed using SEM/EDS?</p> <p>20 A. I2, L2, O2A and B.</p> <p>21 Q. Those represent the left tube and ovary, 22 the uterine cervix right tube and ovary, the right 23 external iliac lymph node, and the omentum?</p> <p>24 A. L2 is left external iliac. O2 is omentum.</p> <p>25 Yeah.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. You said L. So that's the left external 2 iliac lymph node; correct?</p> <p>3 A. That's correct.</p> <p>4 Q. You did not review tissue that's the other 5 tissue described under the "specimen received" part 6 of the pathology report; correct?</p> <p>7 A. Right. So if we requested seven, we looked 8 at those five.</p> <p>9 Q. Thank you. Other than the pathology 10 report, did you review any other medical record for 11 Ms. Gallardo?</p> <p>12 A. No.</p> <p>13 Q. Did you make any requests for any 14 additional medical records or other information with 15 regard to Ms. Gallardo in connection with your work 16 on this case?</p> <p>17 A. No.</p> <p>18 Q. Did you agree with the -- let me start over 19 again.</p> <p>20 Do you agree with the findings in the 21 pathology report with regard to the diagnosis?</p> <p>22 A. Yes.</p> <p>23 Q. In particular, do you agree that Ms. 24 Gallardo had endometrioid adenocarcinoma?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 76</p> <p>1 granulomatous reaction in tissue; correct?</p> <p>2 A. That's correct.</p> <p>3 Q. You would have made note of that if you saw 4 it; right?</p> <p>5 A. Yes.</p> <p>6 Q. You also don't report finding any foreign- 7 body giant cell reaction; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Again, if you had seen it, you would have 10 reported that; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And before I go further with regard to 13 tissue reaction, turn to page 3 of your expert 14 report. At the top -- again, I want to go back to 15 making sure we're on the same page with regard to 16 the slides reviewed versus the blocks.</p> <p>17 And do you see, at the top, it says "the 65 18 histologic slides on case S1328714 were also 19 reviewed using polarized light microscopy"? Then a 20 couple of lines down, says "birefringent particles 21 were observed in 25 slides from the slides of the 50 22 blocks reviewed." Do you see where I'm reading?</p> <p>23 A. Yes.</p> <p>24 Q. So, again, is it your expectation or 25 impression that, in fact, the 65 slides were not</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Was there any part of the pathology report 2 with which you did not agree?</p> <p>3 A. No.</p> <p>4 Q. Looking at the pathology report for 5 Ms. Gallardo, the physician listed is Gary 6 Wasserman. Do you see that on the first page?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know Dr. Wasserman?</p> <p>9 A. No.</p> <p>10 Q. Have you ever been to the lab where the 11 work was done for Ms. Gallardo's case?</p> <p>12 A. Yes.</p> <p>13 Q. When were you at the lab where the work was 14 done for Ms. Gallardo's case?</p> <p>15 A. 1968.</p> <p>16 Q. Since 1968, have you been to the 17 Barnes-Jewish Hospital Washington University Medical 18 Center surgical pathology lab?</p> <p>19 A. No.</p> <p>20 Q. Do you have any personal knowledge of the 21 processes employed at that lab to handle and process 22 Ms. Gallardo's tissue?</p> <p>23 A. No.</p> <p>24 Q. Your report -- which we marked as Exhibit 25 No. 5 -- does not identify you finding any</p>	<p style="text-align: right;">Page 77</p> <p>1 reviewed but only 50 were reviewed that correspond 2 to the 50 blocks?</p> <p>3 A. It's possible. I really don't remember 4 what the situation was there.</p> <p>5 Q. Now, with regard to your review of the 6 tissue by polarized light microscopy, did you 7 identify any tissue response that you -- in your 8 opinion can be linked to any of the particles that 9 you identified by polarized light microscopy?</p> <p>10 A. I'm sorry?</p> <p>11 MR. DEARING: Objection to form.</p> <p>12 Q. Let me ask -- sounds like you didn't 13 understand my question.</p> <p>14 Did you identify any tissue response by 15 polarized light microscopy for Ms. Gallardo that you 16 contend are the result of any of the particles you 17 saw?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me what particles -- what tissue 20 response you identified that you linked to 21 particular particles?</p> <p>22 A. Well, in Figure 2, if you look at the slide 23 -- the picture in the left upper corner, you can see 24 that there are two groups -- actually, three groups 25 of birefringent particles. And those tend to be</p>

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<p style="text-align: right;">Page 78</p> <p>1 grouped together in a way that looks like they may 2 be surrounding a lymphatic or other material. 3 And then, you know, between the arrows, 4 there are a few where it looks like those are in 5 macrophage. 6 And then if you go to the one below it on 7 the left, we can see the picture very similar to 8 what we were looking at with the scanning electron 9 microscope where we have these groups of particles 10 within cells. And here, you can see that all these 11 cells have kind of pink cytoplasm. And they have a 12 clear nucleus, and that indicates that these are 13 macrophages. 14 If I had shown the non-polarized light 15 picture, you would see that these all very much look 16 like macrophages. And then once you polarize them, 17 you can see all the particles in them. 18 The pictures on the right -- both the upper 19 and the lower pictures -- are pictures of omentum or 20 fatty tissue. And within those, there's a group of 21 -- kind of a triangular group of cells which is 22 indicative of chronic inflammation in the omentum 23 and a load of birefringent particles within them. 24 And then farther down, in the picture on 25 the lower right, you can very clearly see particles</p>	<p style="text-align: right;">Page 80</p> <p>1 inflammatory cells in the omentum. 2 Q. You also mention that you saw, I believe, a 3 cell or macrophage surrounded by particles. Where 4 is that located? 5 A. In this picture right here. 6 Q. Can you circle that for me? 7 A. I've circled it. 8 Q. Okay. 9 A. There's a macrophage where you can clearly 10 see the nucleus of the macrophage, and you see 11 particles within it. Up just above it, you can 12 clearly see a macrophage with its nucleus, no 13 particles visible in that cell but certainly 14 particles in the cells around it. And the fact that 15 there are these free cells in the tissue is an 16 indication of response to presence of those 17 particles. 18 Q. Cancer itself can cause an inflammatory 19 response in the reproductive tract; correct? 20 A. Yes. 21 Q. Why couldn't what you're seeing that you're 22 reporting is chronic inflammation be due to the 23 tumor itself? 24 A. Because there was -- we're talking about 25 the omentum. And there was no evidence of</p>
<p style="text-align: right;">Page 79</p> <p>1 within a macrophage where you can see the nucleus. 2 And they're all around the nucleus. 3 Then the other thing that you see in this 4 picture are a number of free macrophages within the 5 tissue of the omentum. And that's more than one 6 usually sees. 7 So this all indicates that there was an 8 enormous amount of particulate material getting into 9 her GU tract and going up into the lymph nodes and 10 being concentrated in the lymph nodes and even going 11 beyond the lymph nodes into the fat of the abdomen 12 or the omentum. 13 Q. Can you on the report you have in front of 14 you put a square or triangle around the area you say 15 represents chronic inflammation? 16 A. (Witness complying) 17 Q. Is it your testimony that that chronic 18 inflammation can be attributed to the particles that 19 are there? 20 A. I believe so. 21 Q. Why do you believe it can be attributed to 22 the particles that are there versus something else? 23 A. Because one usually does not see particles 24 in the omentum; and the fact that we do -- we see 25 inflammatory cells. And one usually does not see</p>	<p style="text-align: right;">Page 81</p> <p>1 malignancy in the omentum, but there's evidence of 2 particles in the omentum. So the tumor hadn't 3 metastasized to the omentum. 4 Q. Are you aware that tumor in the 5 reproductive tract area can cause inflammation in 6 other parts that are not -- where the cancer isn't 7 located? 8 MR. DEARING: Objection. Form. 9 A. Possibly. But the presence here is, I'd 10 say, fairly obvious of what's going on. 11 Q. As far as the particles, though, that you 12 have circled -- start again. 13 As far as the areas you have circled that 14 have birefringent particles, again, you cannot say, 15 using polarized light microscopy, what those 16 birefringent particles are? 17 A. We know that many of them are talc because 18 we could find the same areas in that block by SEM 19 and identified them as talc. 20 Q. But as you have told us before, you cannot 21 correlate one to one -- 22 A. These particles at this level -- 23 Q. Let me finish the question. But you have 24 told us before you cannot correlate one-to-one 25 between a polarized light microscopy image and what</p>

1 you're doing on SEM/EDS; correct? 2 A. Because they're looking at different planes 3 of tissue so that -- we're not looking at these by 4 SEM. So these are birefringent particles that may 5 be talc. 6 Q. Thank you. A macrophage would react the 7 same as what you're seeing here to any birefringent 8 particle; correct? 9 A. A macrophage would respond to a particle. 10 Q. Regardless of what it is? 11 A. Yes. 12 Q. Did you see any particles in Ms. Gallardo's 13 case that you believe were in lymphatic vessels? 14 A. I think these in the upper left picture may 15 be surrounding a lymphatic, especially the upper 16 group. There are -- in the upper middle picture, 17 there are particles that seem to be either in a -- 18 what may be a lymphatic. And certainly to get to 19 the lymph nodes, they had to come by way of 20 lymphatics. 21 MR. HEGARTY: Want to go off the record. 22 (A break was taken) 23 MR. HEGARTY: We are back on the record, 24 and we are focusing on Dr. Godleski's report for 25 Ms. Gallardo, Exhibit No. 5.	Page 82 1 A. Yeah. This area right here. 2 Q. Thank you. Cancer itself can cause 3 fibrosis in tissue; correct? 4 A. Yes. If there was cancer there. 5 Q. A prior surgery or infection in that area 6 can also cause fibrosis; is that right? 7 A. I'm sorry? 8 Q. A prior surgery or an infection in that 9 area can also cause fibrosis? 10 A. Yes. 11 Q. In this report, you're not linking the 12 fibrosis in that photo to any particular particle; 13 correct? 14 A. No. Just that there is fibrosis and there 15 are particles. 16 Q. You say, as we talked a moment ago, that as 17 to the upper right -- the top right photo, that 18 there's a finding of chronic inflammation. Do you 19 see where you note that in your -- in the text of 20 Figure 2? 21 A. Yes. 22 Q. And you've identified where that is already 23 for us; correct? 24 A. Yes. 25 Q. You also refer as to the bottom center
Page 83 1 Q. Let's stay with Figure 2, which we've been 2 looking at, Dr. Godleski. These are all figures 3 from your review of the slides by polarized light 4 microscopy; correct? 5 A. Yes. 6 Q. You note in Figure 2 that these images 7 include tissue from the left fallopian tube; is that 8 correct? 9 A. Yes. 10 Q. It also makes reference to something called 11 the left gutter. What is the left gutter? 12 A. It's usually just the soft tissue beside 13 the uterus, and so it's just the peritoneal tissue 14 usually. 15 Q. There are also views in this set of photos 16 from the right external iliac lymph node; correct? 17 A. Yes. 18 Q. And from the omentum? 19 A. Yes. 20 Q. You note as to the top center photo that 21 particles were in a fibrotic area. Do you see where 22 you make reference to that? 23 A. Yes. 24 Q. Can you circle and mark where the fibrosis 25 is in the top center photo?	Page 83 1 picture or photo as showing birefringent fibers. Do 2 you see where you make that reference? 3 A. Yes. 4 Q. Are you calling a fiber in a PLM photograph 5 anything -- any particle that's got a length and 6 width ratio 3 to 1 or greater? 7 A. Yes. 8 Q. Can you circle and mark for me with an F 9 what you're calling a fiber in this photo or at 10 least circle it? 11 A. My circles are kind of hard to see, but 12 one's here. And you can see this linear fiber here. 13 And here, there's a group of material. But you can 14 see there's one fiber that extends the length of it 15 up on the surface. It looks like it is separate 16 from the other things. 17 Q. That's in the bottom of the photo? 18 A. Yeah. Right here. 19 Q. Okay. Thank you. With regard to the 20 birefringent materials -- whether it's a particle or 21 fiber you're seeing in these six photographs above 22 Figure 2 -- again, what you can identify those as 23 are birefringent material and not specifically what 24 that birefringent material is; correct? 25 A. They're by -- it's birefringent material.

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 Yes.</p> <p>2 Q. And a PLM photograph like this or PLM</p> <p>3 analysis cannot tell you when that birefringent</p> <p>4 particle got into the tissue; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. It also cannot tell you the source of the</p> <p>7 particle --</p> <p>8 MR. DEARING: Objection. Form.</p> <p>9 Q. -- correct?</p> <p>10 A. It depends on the exposure.</p> <p>11 Q. The photo or the slide itself --</p> <p>12 A. Can't say where it came from.</p> <p>13 Q. Thank you. Now, with regard to particle</p> <p>14 size, did you record the range of particle sizes you</p> <p>15 saw in Ms. Gallardo's tissue?</p> <p>16 A. No. But you can get that from the SEM</p> <p>17 pictures.</p> <p>18 Q. Turn over to page 4 of your report, please.</p> <p>19 At the bottom, Dr. Godleski, it says that you found</p> <p>20 208 talc particles --</p> <p>21 A. Yes.</p> <p>22 Q. -- slash, fibers. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Again, the particles you found -- let me</p> <p>25 start over again.</p>	<p style="text-align: right;">Page 88</p> <p>1 they were greater than 3 to 1? In other words, if</p> <p>2 it was 5 to 1, 20 to 1, is that recorded somewhere?</p> <p>3 A. I don't believe so.</p> <p>4 Q. Would you be able to go back and look at</p> <p>5 the EDS images and determine if it was 3 to 1 or 5</p> <p>6 to 1?</p> <p>7 A. Yes.</p> <p>8 Q. That's not something you recorded, though?</p> <p>9 A. No.</p> <p>10 MR. DEARING: Objection. Form.</p> <p>11 Q. Turn over to your Table 1 that's on page 5.</p> <p>12 And you report that this shows 15 fibers out of the</p> <p>13 208 talc particles; correct?</p> <p>14 A. Yes.</p> <p>15 Q. With regard to where those are located, you</p> <p>16 report in the upper left-hand corner of Table 1</p> <p>17 finding one talc particle in A8. And A, if we look</p> <p>18 at the pathology, is the left tube and ovary; is</p> <p>19 that correct?</p> <p>20 A. I believe so.</p> <p>21 Q. You also report finding one particle in</p> <p>22 Block Spectrum B18. And B would be the uterus,</p> <p>23 cervix, right tube, and ovary. Do you see that from</p> <p>24 the pathology?</p> <p>25 A. Yes. And I believe that particular block</p>
<p style="text-align: right;">Page 87</p> <p>1 Those are the talc particles, slash, fibers</p> <p>2 you identified using SEM, slash, EDS; correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Again, you cannot match any of those</p> <p>5 particles to any of the particles that we saw in</p> <p>6 Figure 2; right?</p> <p>7 A. They are two different planes.</p> <p>8 Q. So the answer to my question is yes?</p> <p>9 A. That's correct.</p> <p>10 Q. As to what you're calling a fiber, you say</p> <p>11 at the bottom of page 4 that "all the fibers met the</p> <p>12 accepted criteria for length-to-width ratio of</p> <p>13 greater than 3 to 1 and parallel sides." Do you see</p> <p>14 where I'm reading?</p> <p>15 A. Yes.</p> <p>16 Q. Whose accepted criteria are you referring</p> <p>17 to?</p> <p>18 A. Those that are published, that are in</p> <p>19 textbooks. I think the definition of a fiber is</p> <p>20 accepted in -- as 3 to 1 in many of those.</p> <p>21 Q. Can you cite for me any textbook where you</p> <p>22 would think that that criteria is set out?</p> <p>23 A. Roggeli's textbook has it.</p> <p>24 Q. With regard to the fibers that you</p> <p>25 identified, did you record any of the details if</p>	<p style="text-align: right;">Page 89</p> <p>1 was the cervix.</p> <p>2 Q. That was going to be my next question.</p> <p>3 Which block does B18 correspond to with regard to</p> <p>4 the uterus, cervix, right tube, and ovary?</p> <p>5 A. So if we look at the gross description in</p> <p>6 the report, it looks -- says B1, B3 are cervix.</p> <p>7 We're looking for what --</p> <p>8 MR. DEARING: B18 is what he's looking</p> <p>9 for.</p> <p>10 Q. Is that at the end of the second paragraph</p> <p>11 that says "representative section of ovary"?</p> <p>12 A. It's ovary.</p> <p>13 Q. Okay. And A8?</p> <p>14 A. A8 would be representative section of</p> <p>15 fallopian tube.</p> <p>16 Q. The rest of the particles, which are --</p> <p>17 include those in I2 -- that is the right external</p> <p>18 iliac lymph node; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. The particles that correspond to L2 --</p> <p>21 that's the left external iliac lymph node; is that</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. Then O2 is omentum?</p> <p>25 A. Yes.</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 Q. Thank you. Turn over to Figure 4 of your 2 report that's on page 7. And that is reported to be 3 an SEM analysis of tissue from the left external 4 iliac lymph node.</p> <p>5 A. Yes.</p> <p>6 Q. There was not tumor in that tissue; 7 correct?</p> <p>8 A. In the lymph nodes? I don't believe so. 9 Let me just check.</p> <p>10 Q. Please check.</p> <p>11 A. Yes. No evidence of malignancy.</p> <p>12 Q. You say that these images show particles 13 that include fibers. Can you circle in the images 14 in Figure 4 what you're calling a fiber?</p> <p>15 A. I think certainly in 239, 240, 241. That 16 group has several fibers in them.</p> <p>17 Q. You can tell me by number if you want to 18 just do it by number versus drawing a circle.</p> <p>19 A. Okay. So -- yeah -- 239, 240, 241 are 20 clear fibers.</p> <p>21 Q. You say the middle left picture shows a 22 fiber with a length-to-width ratio of 5 to 1; is 23 that correct?</p> <p>24 A. Where do you --</p> <p>25 Q. I'm referring to middle left in your</p>	<p style="text-align: right;">Page 92</p> <p>1 talking about macrophages? Or are you talking about 2 something else?</p> <p>3 A. Macrophages, yes.</p> <p>4 Q. This goes back to what we talked about 5 earlier?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Thank you. You also include a 8 Figure 5 in your report that's on page 8. The 9 spectrum number is 85; is that correct?</p> <p>10 A. SEM image is 85.</p> <p>11 Q. The spectrum image is 85; correct?</p> <p>12 A. Yeah.</p> <p>13 Q. The spectrum is 654.</p> <p>14 A. Right.</p> <p>15 Q. Okay. This purports to be an SEM analysis 16 of tissue from the omentum; correct?</p> <p>17 A. Yes.</p> <p>18 Q. Again, there was no tumor in the omentum; 19 right?</p> <p>20 A. I'm sorry?</p> <p>21 Q. There was no tumor in the omentum for 22 Ms. Gallardo?</p> <p>23 A. That's correct.</p> <p>24 Q. You say that the particles that we're 25 looking at here include one tremolite fiber plus</p>
<p style="text-align: right;">Page 91</p> <p>1 Figure 4. Description says "Higher magnification of 2 the SEM Image 19 of the fiber and surrounding 3 particles in the middle left area of the lobe" --</p> <p>4 A. Middle -- okay. I see it.</p> <p>5 Q. "Fiber is labeled 234, is within tissue 6 and, using the scale in the photo, has a length- 7 width ratio of 5 to 1." Do you see where I'm 8 reading?</p> <p>9 A. Yes. And so that 234 is just above the 10 fiber, and there's a cross on it where the exact 11 determination was done. And then you can see the -- 12 you can actually measure the fiber as well as the 13 width of it.</p> <p>14 Q. You also say in this description for 15 Figure 4 that "There are numerous particles and 16 fibers within cells." Do you see where I'm reading 17 from? Second line.</p> <p>18 A. Yes.</p> <p>19 Q. What do you mean when you say "numerous 20 particles and fibers within cells"?</p> <p>21 A. Well, again, if you look at the upper -- 22 the far upper left picture, you can see there's 23 groupings of material here, here, here. These are 24 all intracellular particles.</p> <p>25 Q. When you say "intracellular," are you</p>	<p style="text-align: right;">Page 93</p> <p>1 many fragments.</p> <p>2 A. Yes.</p> <p>3 Q. Can you circle what you're calling a 4 fragment and put a box around what you're calling a 5 fiber?</p> <p>6 A. Well, 654 is clearly a fiber.</p> <p>7 Q. That's a -- that's a good way to identify. 8 654 is a fiber. What are you calling a fragment?</p> <p>9 A. Then I would have to -- let me just check 10 the --</p> <p>11 Q. Let me ask a follow-up question.</p> <p>12 A. I think that's not referring to a specific 13 picture.</p> <p>14 Q. That's what I was going to ask you. When 15 you say "one fiber plus many fragments," you're not 16 talking about Electron Image No. 85.</p> <p>17 A. That picture, no. We're talking back about 18 the table.</p> <p>19 Q. Okay. Thank you. With regard to the 20 spectrum in Figure 5, is this a spectrum that you 21 say is for tremolite?</p> <p>22 A. Yes.</p> <p>23 Q. Doesn't tremolite contain calcium, 24 chlorine, and iron molecules as well?</p> <p>25 A. Talc -- tremolite can contain both iron and</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 calcium, or it may not have them. And this has a 2 very good ratio -- very close ratio for magnesium 3 and silicon in relationship to tremolite. It just 4 doesn't happen to have either magnesium -- I mean, 5 calcium or iron. And they both can either be there 6 or not be there.</p> <p>7 Q. Is there a reference book you would go to 8 to confirm what you find -- your spectrum is -- 9 corresponds to what tremolite should look like?</p> <p>10 A. Yeah.</p> <p>11 Q. What would you go to?</p> <p>12 A. There's -- McCrone atlas has very nice 13 pictures of tremolite in it previously -- I don't 14 know that -- they've sort of taken it offline. But 15 I have copies of it from that.</p> <p>16 And it shows -- and, for example, it showed 17 tremolite can have 0 to, I think it was, 10 percent 18 of calcium and 0 to some percent of iron. So I 19 think that documents exactly what I said.</p> <p>20 Q. When you saw this spectrum for 21 Ms. Gallardo, did you compare it to a textbook 22 spectrum reporting on tremolite?</p> <p>23 A. By the -- just looking at the spectrum as 24 well as calculating the ratio, very clear.</p> <p>25 Q. You say at the top of page 8 that</p>	<p style="text-align: right;">Page 96</p> <p>1 blocks or -- and spectrum numbers and the magnesium- 2 silicon ratios.</p> <p>3 Q. You're calling the particles in this 4 Table 2 tremolite; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do any of your publications discuss you 7 using SEM/EDS and the methods you describe in this 8 report to identify tremolite in tissue?</p> <p>9 A. Yes.</p> <p>10 Q. Which article of yours do you describe 11 finding tremolite in tissue?</p> <p>12 A. I'm not sure. I think we had it in the 13 migration study, but I'm not sure.</p> <p>14 Q. You're talking about the migration study 15 with Dr. McDonald?</p> <p>16 A. Yes.</p> <p>17 Q. And I have a copy of that we can look at. 18 But other than the migration study with 19 Dr. McDonald, are you -- do you recall having any 20 other published paper where you use the methods you 21 describe as to Ms. Gallardo and reported finding 22 tremolite in tissue, in particular, reproductive 23 tissue?</p> <p>24 A. I don't think we have in any of our papers. 25 Maybe that's a good paper to write.</p>
<p style="text-align: right;">Page 95</p> <p>1 "Tremolite is a known component of cosmetic talc," 2 citing in the Stefan article. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware that a number of the authors 5 on the Stefan article are paid plaintiffs' experts 6 in the talc litigation?</p> <p>7 MR. DEARING: Objection. Form.</p> <p>8 A. Yes.</p> <p>9 Q. Have you read the Stefan article?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know the standards they use for 12 identifying tremolite in talc?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you recall that the article included a 15 digestion method that could have included 16 contamination of asbestos on tissue?</p> <p>17 A. They use digestion, yes.</p> <p>18 Q. Do you recall that article didn't describe 19 any of the handling methods for the tissue that they 20 were testing? Do you recall that?</p> <p>21 A. No.</p> <p>22 Q. If you look back over at Table 2 on page 6. 23 What are you showing in Table 2?</p> <p>24 A. We're showing the magnesium-silicon ratio 25 for each of the bits of material in the -- in those</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Are you aware of anyone who has authored a 2 paper where they identified tremolite in 3 reproductive tract tissue using any of the methods 4 you used in the Gallardo case?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Prior to working on Ms. Gallardo's case -- 7 let me start -- let me ask a different question. 8 Prior to working on the talc litigation, 9 had you ever in any situation identified tremolite 10 in reproductive tract tissue?</p> <p>11 A. No.</p> <p>12 Q. Have you published any paper where you 13 identified tremolite using the methods you describe 14 as to Ms. Gallardo in any tissue, including lung 15 tissue?</p> <p>16 A. We've certainly reported it in lung tissue 17 in a number of cases, both when I was at the Brigham 18 -- just our own patient reports -- as well as in 19 other litigation cases that I've done.</p> <p>20 Q. But have you reported --</p> <p>21 A. We haven't published that.</p> <p>22 Q. Okay. Thank you. Do you agree, 23 Dr. Godleski, that asbestos is a frequent component 24 of the air we breathe in some places in this 25 country?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 MR. DEARING: Objection. Form.</p> <p>2 A. Asbestos can be in the air.</p> <p>3 Q. Asbestos can also be in water?</p> <p>4 A. Yes.</p> <p>5 Q. Can also be in food?</p> <p>6 A. Sometimes.</p> <p>7 Q. Do you agree that there are background levels of asbestos that have been reported in humans?</p> <p>10 A. There are background levels.</p> <p>11 Q. Are you aware of any study that has reported on whether there are background levels of asbestos in reproductive tract tissue of women?</p> <p>14 A. Not right off.</p> <p>15 Q. There are such studies that have reported on background levels of asbestos in lung tissue; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware of anyone, including yourself, who has attempted to duplicate what they have shown for lung tissue in reproductive tract tissue as far as identifying whether there's a background level of asbestos in tissue?</p> <p>24 A. When we did -- when we did talc studies and did background levels for talc, we didn't see any</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. That's not something you published.</p> <p>2 A. That's not something I published.</p> <p>3 Q. And the total number of cases you've looked at to determine if there is a background level of asbestos in reproductive tract tissue is how many?</p> <p>6 A. I'm sorry?</p> <p>7 Q. What is the total number of cases that you've looked at that you could include in commenting on whether there's a background level of asbestos in reproductive tract tissue?</p> <p>11 A. I would say I could comment on our whole experience of analyzing over 500 cases of talc in tissue by the methods that we used in this case.</p> <p>14 And I would say the finding of asbestos is somewhere in the range of 15, 20 percent.</p> <p>16 Q. And that's in your -- that's all in the litigation cases you've looked at; correct?</p> <p>18 A. Yes.</p> <p>19 Q. But you're not aware of anyone -- and you've not done an analysis of the general population where reproductive tract tissue has been removed to try to identify whether there is a background level of asbestos in tissue.</p> <p>24 A. We had six cases of people who never used talc. And we looked at their tissues for talc and</p>
<p style="text-align: right;">Page 99</p> <p>1 asbestos in those controlled cases.</p> <p>2 Q. In those controlled cases you're talking about, you're referring to maybe six patients; correct?</p> <p>5 A. Yes.</p> <p>6 Q. In the studies that have looked at what the extent is of a background level of asbestos in lung tissue, they use far more than six cases; right?</p> <p>9 A. Yes.</p> <p>10 Q. You would agree that six cases is not enough to determine if there's a background level of asbestos in reproductive tract tissue; correct?</p> <p>13 A. I think we fairly rarely see it so that, in fact, when we do see it, it's above background.</p> <p>15 Q. Understood. But can you cite for me any publication that has identified whether there is a background of asbestos in reproductive tract tissue?</p> <p>18 A. No. Other than our own work where we didn't see it when we looked for background levels of talc in patients who were not exposed.</p> <p>21 Q. Understood. But to your knowledge, there's no published study that reports on whether there is a background level of asbestos in reproductive tract tissue.</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 101</p> <p>1 asbestos in particles in general. And we didn't find any asbestos.</p> <p>3 Q. You're not telling me, though, that six cases is enough to determine if there is a background level.</p> <p>6 A. I'm telling you we did six cases.</p> <p>7 Q. Do you know where those cases came from, what parts of the country?</p> <p>9 A. Brigham and Women's Hospital.</p> <p>10 Q. Do you know where the women lived who were the cases that you looked at?</p> <p>12 A. They were part of Dr. Cramer's study, his control group.</p> <p>14 Q. Are you aware from your work in the asbestos context that background levels of asbestos in lung tissue can vary depending on where a person lives in the country?</p> <p>18 MR. DEARING: Objection. Form.</p> <p>19 A. There can be variation in backgrounds, yes.</p> <p>20 Q. Can background levels of asbestos cause ovarian cancer? In other words, can exposure to background levels of asbestos cause ovarian cancer?</p> <p>23 MR. DEARING: Objection. Form.</p> <p>24 A. Not that anybody has reported.</p> <p>25 Q. You've not done any investigation as to</p>

<p style="text-align: right;">Page 102</p> <p>1 whether Ms. Gallardo had other exposures to asbestos 2 in her lifetime; correct?</p> <p>3 A. I only have her pathology report.</p> <p>4 Q. Is it your opinion in this case that the 5 tremolite you found and reported on in your report 6 for Ms. Gallardo came from her exposure to talcum 7 powder products?</p> <p>8 A. Based on knowing that tremolite can be a 9 contaminant in talc, it's likely that that's the 10 source.</p> <p>11 Q. That's the same opinion you have as it 12 related to the talc you found as well; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Other than the six cases that you looked 15 at, do you have any other reference to cite to to 16 comment on whether the amount of tremolite you found 17 -- reported to find in Ms. Gallardo was above 18 background level of tremolite in reproductive tract 19 tissues?</p> <p>20 A. I would say yes, definitely. It's the 21 highest concentration we found in our 500 cases.</p> <p>22 Q. But, ultimately, you don't agree, 23 Dr. Godleski -- cannot say that the findings in 24 Ms. Gallardo are different from what you would see 25 in the general population?</p>	<p style="text-align: right;">Page 104</p> <p>1 the amount of tremolite found in reproductive tract 2 tissue?</p> <p>3 A. No.</p> <p>4 Q. Are you aware of any study that has been 5 published that correlates the finding of tremolite 6 in reproductive tract tissue with the extent of 7 talcum powder use?</p> <p>8 A. No.</p> <p>9 Q. Now, with regard to Ms. Gallardo's exposure 10 to talcum powder, as we talked, in other cases, 11 there are a lot of products that have talc in them; 12 correct?</p> <p>13 A. There are products with talc.</p> <p>14 Q. I'm sorry?</p> <p>15 A. Yes. There are products with talc.</p> <p>16 Q. Have you done any study to determine 17 whether there is a background level of talc in 18 reproductive tract tissues?</p> <p>19 A. Only the six cases that we looked at and 20 reported on.</p> <p>21 Q. Are you aware of any study that has tried 22 to determine if there's a background level of talc 23 in women's reproductive tract tissues?</p> <p>24 A. Yes. There was a study that tried to do 25 that, and they were using digestion. And they also</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. DEARING: Objection. Form.</p> <p>2 Q. As it relates to tremolite.</p> <p>3 A. I totally doubt that you would find 30 4 tremolite particles or fibers if you studied a 5 hundred, 200 people of the general population. I 6 think it would be that unusual.</p> <p>7 Q. That's based --</p> <p>8 A. That never used talc.</p> <p>9 Q. That's based on your review of the -- just 10 the six cases of non-talc users?</p> <p>11 A. No. That's based on all the talc cases 12 that I've looked at and the fact that a subset of 13 those, in fact, has -- we can find tremolite and/or 14 other forms of asbestos. And so the fact that we 15 find 30 in this case is an indication of a very 16 significant exposure.</p> <p>17 Q. Can you cite for me any literature that 18 shows a higher risk of ovarian cancer in women who 19 have had tremolite fibers found in their 20 reproductive tract tissues?</p> <p>21 A. It's known that asbestos is a cause of 22 ovarian cancer.</p> <p>23 Q. Understood. My question, though, is a 24 little bit different. Can you cite for me any study 25 that has tried to correlate ovarian cancer risk with</p>	<p style="text-align: right;">Page 105</p> <p>1 didn't take into consideration surface contamination 2 and other findings. So it's a very flawed study.</p> <p>3 Q. What study was that? First author, if you 4 can recall.</p> <p>5 A. You probably know the name better than I 6 do. I can't think of it right now.</p> <p>7 Q. Was it -- did it involve authors who were 8 experts in talcum powder litigation?</p> <p>9 A. No. It's an older study that was done when 10 the first associations were made.</p> <p>11 Q. Are you talking about the Hiller study --</p> <p>12 A. Yeah.</p> <p>13 Q. -- that looked at 12 women who had talcum 14 powder exposure and 12 women who did not?</p> <p>15 A. Yes.</p> <p>16 Q. Is that the only study you're aware of that 17 might relate to or concern whether there is a 18 background level of talcum powder in the 19 reproductive tract tissues of women?</p> <p>20 A. Yes.</p> <p>21 Q. With regard to Ms. Gallardo, do you know 22 any information about her talcum powder use?</p> <p>23 A. No.</p> <p>24 Q. Do you know whether she used soaps, 25 douches, other products that contained talcum powder</p>

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<p>1 over the course of her lifetime?</p> <p>2 A. No.</p> <p>3 Q. Do you know the extent of any talcum powder</p> <p>4 use to the extent she used talcum powder, that is,</p> <p>5 the volume or frequency or duration?</p> <p>6 A. No.</p> <p>7 Q. Can background levels of talc in</p> <p>8 reproductive tract tissue cause ovarian cancer?</p> <p>9 MR. DEARING: Objection. Form.</p> <p>10 * A. Nobody really knows. But the -- if</p> <p>11 background levels are zero as they were or -- in our</p> <p>12 studies, it's unlikely.</p> <p>13 MR. HEGARTY: I'm sorry. Would you read</p> <p>14 back his answer?</p> <p>15 * (Answer read back)</p> <p>16 Q. You did find of your six control patients</p> <p>17 two that had talc in their tissues; correct?</p> <p>18 A. Yes.</p> <p>19 Q. So you did not find zero in your six</p> <p>20 patients.</p> <p>21 A. Well, you average it out as zero.</p> <p>22 Q. You would average two out of six to be</p> <p>23 zero?</p> <p>24 A. No. I would average six out of six. And</p> <p>25 if four of them are zero and two have one, your</p>	<p>Page 106</p> <p>1 talking 208 particles?</p> <p>2 A. You had 200 particles in one plane of</p> <p>3 tissue, which translates to millions within just the</p> <p>4 small pieces of tissue that were removed and had</p> <p>5 slides made of. So her level probably is billions,</p> <p>6 and this is nowhere close to the general population.</p> <p>7 Q. Have there been any published studies that</p> <p>8 have shown a higher risk of ovarian cancer or</p> <p>9 difference in risk of ovarian cancer based on the</p> <p>10 volume of talcum powder found in reproductive tract</p> <p>11 tissue?</p> <p>12 A. Not found but use.</p> <p>13 Q. Right. I'm talking about found in</p> <p>14 reproductive tract tissue.</p> <p>15 A. We're talking about found, no one has done</p> <p>16 that.</p> <p>17 Q. As to the particles in Ms. Gallardo's case</p> <p>18 that you are calling talc, you cannot say when they</p> <p>19 came in her -- came to be in her tissues; correct?</p> <p>20 A. Correct.</p> <p>21 Q. You cannot identify the source of that talc</p> <p>22 as Johnson's Baby Powder; correct?</p> <p>23 A. By my analysis, no.</p> <p>24 Q. The same is true for the fibers that you</p> <p>25 found, whether it's a talc fiber or tremolite fiber.</p>
<p>1 average is zero.</p> <p>2 Q. That's how you did your math just now?</p> <p>3 A. Yeah.</p> <p>4 Q. Ultimately, do you agree that you cannot</p> <p>5 say that what you found in Ms. Godleski as it</p> <p>6 relates to talcum powder particles in her tissue was</p> <p>7 above background level?</p> <p>8 MR. DEARING: Objection. Form. I think</p> <p>9 you misspoke with the client's name.</p> <p>10 MR. HEGARTY: What did I say?</p> <p>11 MR. DEARING: You called her</p> <p>12 Ms. Godleski.</p> <p>13 MR. HEGARTY: I'm sorry. Let me restate</p> <p>14 that.</p> <p>15 MR. DEARING: She's not part of this</p> <p>16 case.</p> <p>17 MR. HEGARTY: I agree.</p> <p>18 Q. Ultimately, do you agree you cannot say</p> <p>19 that the findings that you made as far as talc in</p> <p>20 Ms. Gallardo's tissue were different than what you</p> <p>21 would find in the general population?</p> <p>22 MR. DEARING: Objection. Form.</p> <p>23 A. Absolutely different. I can't imagine this</p> <p>24 much talc in the general population.</p> <p>25 Q. When you're saying "this much talc," you're</p>	<p>Page 107</p> <p>1 You cannot say when those fibers came to be in</p> <p>2 Ms. Gallardo's tissue; correct?</p> <p>3 A. That's correct.</p> <p>4 Q. You also cannot identify the source by what</p> <p>5 you did of the talc fibers or the tremolite fibers</p> <p>6 or fragments that you found; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Are you aware of any studies that have</p> <p>9 attempted to analyze whether asbestos, if it's been</p> <p>10 found in talc, can migrate to the reproductive</p> <p>11 tract, that is, the tubes, ovaries, and omentum?</p> <p>12 A. The -- most of the studies that have been</p> <p>13 done in terms of materials migrating from the --</p> <p>14 from within the vagina, for example, have used</p> <p>15 tracers as particles to go through the tissues. No</p> <p>16 one has used fibers to determine that.</p> <p>17 But based on what we know from how fibers</p> <p>18 can move in the lung, we can assume that they can</p> <p>19 move through lymphatics in the GU tract to the same</p> <p>20 extent that they do in the lung.</p> <p>21 Q. If you turn to page 5 of your report,</p> <p>22 Dr. Godleski. You identify a total of 795 particles</p> <p>23 that you found and analyzed for Ms. Gallardo;</p> <p>24 correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. And in the Dropbox you provided, did you 2 provide all the spectrum and images of all 795 3 particles?</p> <p>4 A. I believe so. They're usually called 5 reports.</p> <p>6 Q. How many of the 795 particles were or did 7 you identify as being exogenous material?</p> <p>8 A. Just a second. 497 had constituents 9 indicative of exogenous, including 200 talc; 157 10 magnesium silicates just outside the 5 percent 11 criteria for talc; 81 magnesium silicates with other 12 cations; 30 fragments, fibers accepted as tremolite 13 asbestos; and 20 other -- 21 other exogenous 14 particles, including various combinations, metals or 15 silicon and nonmetallic elements. So the majority 16 of it was either talc or just outside our criteria 17 for talc.</p> <p>18 Q. The spectrums you provided make reference 19 to particles that include boron, aluminum, and 20 chromium. Are those typical exogenous metals that 21 you see as part of this work?</p> <p>22 A. Sometimes we do.</p> <p>23 Q. And with regard to the spectrum, sometimes 24 the spectrum lists components in red. What does it 25 mean when it's listed in red?</p>	<p style="text-align: right;">Page 112</p> <p>1 going to mark this as the next exhibit, which I 2 think is Exhibit 8.</p> <p>3 (IARC Monographs Volume 100C, 4 Exhibit 8, marked)</p> <p>5 Q. Can you look at Exhibit 8, Dr. Godleski, 6 and tell me where you're referring to by your 7 citation that IARC has listed talc fibers as a 8 Group 1 carcinogen?</p> <p>9 I have handed you Reference 10 or, I should 10 say, have handed you the "Arsenic, metals, fibres, 11 and dusts" Volume 100C, recognizing that your 12 Reference 10 refers to monograph Volumes 1 through 13 29 international -- I take it back. Let me start 14 over again.</p> <p>15 Your Reference 10 says "International 16 Agency For Research on Cancer, Agents classified by 17 IARC Monographs Volume 1 through 29." But I'm 18 handing you specifically the monograph on asbestos. 19 Do you recognize what I've handed you, Dr. Godleski?</p> <p>20 A. Yes.</p> <p>21 Q. Is this the reference that you're referring 22 to when you're calling what IARC designated -- the 23 IARC-designated talc fibers as a Group 1 carcinogen?</p> <p>24 Do you need time to look at that, Doctor?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 111</p> <p>1 A. When they're listed in red, that means that 2 they're at a level where they can't be determined as 3 being present or being identified in error. So 4 they're generally disregarded.</p> <p>5 Q. Now, in Ms. Gallardo's case, by your 6 process, you didn't attempt to count all the 7 particles in the tissue that you had available to 8 you; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. What you do is you take the number of 11 particles that you find, then extrapolate that to a 12 number using the -- your reference to the Roggli 13 paper; correct?</p> <p>14 A. Yes.</p> <p>15 Q. Now, your report over on page 6 in the 16 paragraph below the table, Table 2, makes reference 17 to IARC identifying talc fibers as a Group 1 18 carcinogen, Reference 10. Do you see that, Doctor?</p> <p>19 A. Yes.</p> <p>20 Q. I'm going to mark as the next exhibit the 21 portion of that IARC monograph that makes reference 22 to asbestos.</p> <p>23 MR. HEGARTY: Off the record real quick.</p> <p>24 (Off record discussion)</p> <p>25 MR. HEGARTY: Back on the record. I'm</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. HEGARTY: Let's go off the record.</p> <p>2 (A break was taken)</p> <p>3 MR. HEGARTY: We're back on the record.</p> <p>4 We're going to circle back around when Dr. Godleski 5 has had more time to look at the IARC monograph I 6 handed to him to respond to my question.</p> <p>7 Q. You make note on page -- at the top of 8 page 8 of your report that the finding of asbestos 9 by the methods you used is highly significant. What 10 did you mean when you say "highly significant"?</p> <p>11 A. It's a very important finding of finding 12 this material in her tissues that drain the ovary in 13 terms of both its identification as a -- as it 14 documents her exposure as well as finding the 15 particles in her tissues that drain the ovary.</p> <p>16 Q. Turn over to page 6 of your report. In the 17 paragraph we were talking about where you made 18 reference to IARC, you say at the end of that same 19 paragraph that "The finding of one fiber with the 20 magnesium," slash, "silicon atomic weight percent 21 ratio of a tremolite asbestos fiber, a known and 22 widely accepted carcinogen and a known component of 23 cosmetic talc found in the pelvis tissues -- 24 References 11 to 13 -- is similarly of great 25 importance in linking Ms. Gallardo's ovarian cancer</p>

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<p style="text-align: right;">Page 114</p> <p>1 to cosmetic talc exposure." What did you mean by 2 the phrase "great importance"?</p> <p>3 A. It has a lot of weight, in my mind, in 4 terms of providing evidence of the presence of a 5 known carcinogen in her tissues.</p> <p>6 Q. I believe you agreed with me, though, 7 earlier that there's no study that links tremolite 8 in tissue -- in particular the number of tremolite 9 fibers or fragments you found -- that is, 10 reproductive tract tissues -- to ovarian cancer 11 risks; correct?</p> <p>12 A. That's correct. But the data as far as 13 lung cancer and mesothelioma and other cancers as to 14 tremolite is quite strong and readily available, so 15 that -- that -- unless you're trying to suggest that 16 tremolite isn't a carcinogen, I can't see it any 17 other way.</p> <p>18 Q. Do you have any opinion as to the number of 19 particles of tremolite you would need to find in the 20 reproductive tract tissue to link that tremolite 21 exposure to ovarian -- to that patient's ovarian 22 cancer?</p> <p>23 A. Well, both the tremolite as well as the 24 enormous amount of talc that she has here, the 25 number of talc fibers that she has, all, I think, in</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. I asked you this question more generally, 2 but now I'll ask it more specifically.</p> <p>3 Are there any studies that have attempted 4 to determine the background rate of either talc or 5 tremolite in women who have been diagnosed with 6 endometrioid carcinoma like Ms. Gallardo has had 7 done?</p> <p>8 A. There are epidemiologic studies that relate 9 endometrioid carcinoma to talc use. But there are 10 no studies that link it specifically to the amount 11 itself found in the tissue.</p> <p>12 Q. To follow up on that, that answer, there 13 are no studies that have attempted to correlate the 14 finding of talc or tremolite in tissue to a risk of 15 developing endometrioid carcinoma; correct?</p> <p>16 A. That's correct.</p> <p>17 MR. HEGARTY: Let's go off the record.</p> <p>18 (A break was taken)</p> <p>19 MR. HEGARTY: We are back on the record 20 after a lunch break. We left prior to lunch break 21 with the outstanding request to Dr. Godleski to look 22 at the monograph 100C that I marked as Exhibit 8, I 23 believe, for any reference to talc fibers being a 24 Group 1 carcinogen.</p> <p>25 Q. And, Doctor, have you had a chance to look</p>
<p style="text-align: right;">Page 115</p> <p>1 this case link very strongly to ovarian cancer.</p> <p>2 Q. If you found one tremolite fiber in 3 Ms. Gallardo's tissue from the same analysis as you 4 did, would you still consider that to be of great 5 importance in linking her ovarian cancer to cosmetic 6 talc exposure?</p> <p>7 A. Absolutely. Because finding one, again, by 8 what we do -- going back to the Roggeli study -- 9 means at least hundreds. And the finding -- finding 10 more than one raises that even higher.</p> <p>11 Q. Turn to the very last paragraph of your 12 Gallardo report on page 8. Is this last paragraph a 13 description of the same opinion you have given in 14 other cases as far as what you're going to say as it 15 relates to your findings in relation to this 16 patient's development of ovarian cancer?</p> <p>17 A. Yes.</p> <p>18 Q. Put another way, is your opinion as it 19 relates to your findings for Ms. Gallardo -- that 20 is, it's contributory evidence for a causal link 21 between the presence of these materials and the 22 development of ovarian cancer -- the same kind of 23 opinion you've given in the other cases where you've 24 testified either at deposition or at trial?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 at the IARC 100C monograph?</p> <p>2 A. Yes.</p> <p>3 Q. And where in that monograph are you 4 referring to with regard to the statement that we 5 are referencing on page 6 of your expert report in 6 the Gallardo case?</p> <p>7 A. On page 219 and page 230. And --</p> <p>8 Q. Where on 219?</p> <p>9 A. On page 219 says "The conclusions reached 10 in this monograph about asbestos and its 11 carcinogenic risks apply to these six types of 12 fibers wherever they are found, and that includes 13 talc containing asbestiform fibers."</p> <p>14 Q. And where on page 230?</p> <p>15 A. Then on 230, it says "Talc may also form 16 true mineral fibers that are asbestiform at habit."</p> <p>17 Q. Thank you. Are -- is this what you're 18 referencing on page --</p> <p>19 A. I thought there was a clearer statement 20 than that in here, but we're looking through a 21 thousand pages, so.</p> <p>22 Q. If you go back --</p> <p>23 A. I'll come back and provide that to you 24 later.</p> <p>25 Q. If you go back to page 6 of your report</p>

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<p style="text-align: right;">Page 118</p> <p>1 where you make reference to IARC listing talc fibers 2 as a Group 1 carcinogen -- again, it's on page 6 3 almost right in the middle of the page -- you 4 actually refer to a Reference 10. 5 That Reference 10 is -- as you can see on 6 the end -- is to the -- apparently to the Website 7 that says "Agents classified by the IARC Monographs 8 Volume 1 to 29." Is the -- your reference intended 9 to refer to the Website or refer to the monograph 10 that I marked as an exhibit? 11 A. It refers to the Website. 12 Q. And with regard to the Website, are you 13 referring to the monograph on the Website or 14 something else? 15 A. This actually has a list or classification 16 index, and I believe it was there that talc was 17 included with Group 1. 18 Q. Okay. 19 A. But -- so I think it's specifically the 20 Website. 21 Q. Okay. Couple more questions on Gallardo. 22 Then we'll move on. 23 I'd asked you before we took a break about 24 other particles that I identified from the spectrum 25 you provided as being boron, aluminum, and chromium.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Chromium, again, often is not in the form 2 of metallic chromium but, in fact, in the form of a 3 chromate. And that's often in cleaning products and 4 soaps and all sorts of things. So that, I think, is 5 the usual source of these. 6 Q. Last question as it relates to Gallardo, at 7 least for right now. I've marked as Exhibit No. 9 8 one of the images you downloaded in the Dropbox 9 along with the spectrum. This is Image 108 with 10 Spectrum 729 for S13, dash, 28714. I'm particularly 11 looking at the spectrum image in Particle 730. 12 And -- 13 A. I don't have that. 14 MR. DEARING: You mean 32? 15 MR. HEGARTY: I'm sorry. Let me see 16 what you do have. I'll just use the top copy. I 17 think I got Image 108 and, looks like, Spectrum 729. 18 Q. If you could look at Image 108, the larger 19 particle at the top. Is that a contaminant, in your 20 opinion? 21 MR. DEARING: Are we going to mark that 22 now? 23 MR. HEGARTY: Yes. I will designate 24 that as Exhibit No. 9. That was the one that I 25 meant to mark and that should have been copied</p>
<p style="text-align: right;">Page 119</p> <p>1 Do you have any opinion as to how those 2 particles came to be in Ms. Gallardo's tissue and, 3 in particular, the source of those particles? 4 A. We're really not sure about boron. We see 5 that sometimes. Unless it comes -- it's there as a 6 borate material. Aluminum is commonly seen in 7 various forms in materials. And basically, aluminum 8 silicates are very common in the environment, so. 9 Q. When you say "environment," are you talking 10 about in consumer products or just in the world 11 around us? 12 A. Huh? 13 Q. Are you talking about in consumer products 14 or the world around us or both? 15 A. I'm not -- talking about the beach so that 16 people that go to the beach in a swimsuit have the 17 opportunity with the sand that's there to get 18 aluminum silicate into their bathing suit. 19 And I think that's the usual way that that 20 gets into the female genital tract because we do 21 find aluminum silicate turns up in almost every 22 case. 23 Q. Do you have any opinion about any chromium 24 you found in Ms. Gallardo's tissues, about its 25 source?</p>	<p style="text-align: right;">Page 121</p> <p>1 there. And we'll mark as Exhibit No. 10 the 2 spectrum. 3 What I got was not the -- what I got is 4 -- my other copies -- was not the top page but the 5 spectrum for 730. So mark as Exhibit No. 10 the 6 spectrum for Particle 730. 7 (Image of Particle 730, Exhibit 9, 8 marked) 9 (Spectrum for Particle 730, Exhibit 10, 10 marked) 11 Q. So I'm looking at Particle 730, the larger 12 particle in the middle. And then you see the 13 spectrum -- that's in Exhibit 9. Exhibit 10 has the 14 -- I'm sorry. Exhibit 10 has the spectrum in it. 15 Exhibit 9 has the image of that 730 particle? 16 A. Right. 17 Q. I didn't see a reference in your report to 18 it. 19 A. I'm trying to figure out what the tissue 20 is. And it looks like it's probably omentum from 21 just the numbers and what we were looking at at that 22 stage. And so, in looking at this, 729 is -- where 23 did we see that -- the spectrum? Here it is. 24 That's calcium, and calcium is a common 25 endogenous material. And it's often produced by the</p>

1 tumor as a precipitate. And so we find it a lot. 2 And if this is omentum, it could have gotten there 3 on that basis because it looks like it's just 4 calcium. There's not even oxygen with it, so. 5 Q. But the bigger particle is 730; right? 6 A. Yes. 7 Q. And I think it's the -- I marked as the 8 next exhibit, Exhibit 10, the spectrum for 730. 9 A. Aluminum silicate. 10 Q. So the spectrum for Particle 730 is an 11 aluminum silicate? 12 A. Right. And that's hard to tell whether 13 it's on the surface. It sort of has a bit of a 14 fiber habit to it, but it's not truly a fiber 15 because it's fairly wide. And it's an aluminum 16 silicate. 17 And what -- all of the particles in this 18 case -- getting an aluminum silicate in this 19 location probably is just all part of the same 20 process. 21 Q. I want to now talk about your report for 22 Ms. Newsome. 23 MR. DEARING: Before you move on, can I 24 ask a follow-up question? 25 MR. HEGARTY: Yes. Other than we just	Page 122 1 to Ms. Newsome -- 2 MR. DEARING: You know what? I'm sorry. 3 One more follow-up. 4 MR. HEGARTY: Sure. 5 MR. DEARING: Sorry. 6 MR. HEGARTY: That's all right. 7 Q. I said "introduced when she was alive." 8 What I meant to say was is it your opinion that 9 those particles and fibers were introduced into the 10 tissue while the tissue was in her body? 11 MR. HEGARTY: Same objection. 12 Q. Living tissue? 13 A. Yes. Yes. 14 MR. HEGARTY: Anything else? 15 MR. DEARING: No. 16 MR. HEGARTY: Okay. 17 EXAMINATION 18 BY MR. HEGARTY: 19 Q. I want to now talk about your report with 20 regard to Ms. Tamara Newsome. I want to begin by 21 showing you the analysis summary for Ms. Newsome. 22 MR. HEGARTY: We are going to mark that 23 analysis summary for Ms. Newsome as Exhibit 11. 24 (Analysis summary for Newsome case, 25 Exhibit 11, marked)
Page 123 1 want to come back to Ms. Gallardo as far as the IARC 2 monographs. I think Dr. Godleski may want to add to 3 his testimony. 4 But before I move to Ms. Newsome, I 5 think Mr. Dearing has some follow-up questions to my 6 questions as relates to Ms. Gallardo. 7 MR. DEARING: That's right. 8 EXAMINATION 9 BY MR. DEARING: 10 Q. So a good while ago, Mr. Hegarty asked you 11 a question -- sort of a direct question, and that 12 was something to the effect of "Isn't it true you 13 don't know when these particles got into the 14 tissue?" 15 My question is, based on your experience, 16 your knowledge of pathology, and your study of 17 Ms. Gallardo's tissue specifically, is it fair to 18 say that it's your opinion that those particles and 19 fibers were introduced into her tissue while she was 20 alive? 21 MR. HEGARTY: Objection to the form. 22 A. Yes. Definitely. Because they're in cells 23 and have been picked up by cells. 24 MR. DEARING: Okay. That's all I have. 25 MR. HEGARTY: So we're now going to turn	Page 125 1 Q. Is Exhibit 11, Dr. Godleski, the analysis 2 summary you provided to us for Ms. Tamara Newsome? 3 Did you say yes? I'm sorry. 4 A. Yes. 5 Q. Was this analysis summary prepared by Yuwei 6 Fan of your office? 7 A. That's correct. 8 Q. Was it completed or finished with a 9 document date of April 21, 2021? 10 A. Yes. 11 Q. If you can look at the next several pages, 12 again, does this appear to describe the same process 13 of review of this tissue as you have done in other 14 cases where you testified? 15 A. Yes. 16 Q. Are you aware of anything different that 17 was done in the Newsome case compared to what you 18 had done in other cases where you've testified? 19 A. No. 20 Q. Please turn to the page that has "summary 21 of analyzed particles" as the heading. Are you 22 there? 23 A. Yes. 24 Q. In the table on the far left, it refers to 25 a category called "EXT Metals." Does that mean

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<p style="text-align: right;">Page 126</p> <p>1 "external metals"?</p> <p>2 A. Yes.</p> <p>3 Q. And it lists on -- the count of that</p> <p>4 category is eight. What does eight mean as it</p> <p>5 relates to external metals?</p> <p>6 A. Well, it could be iron, and iron is a</p> <p>7 problem because we know we have iron in hemoglobin</p> <p>8 and as a normal component of tissues. And as noted</p> <p>9 down at the bottom, iron-containing particles are</p> <p>10 considered endogenous only if accompanied by sodium,</p> <p>11 calcium, and phosphorus. And we just had to make</p> <p>12 some way of dealing with iron.</p> <p>13 And so iron could be one of the external</p> <p>14 metals and really not be. There are maybe other</p> <p>15 external metals because in Block A16, we have three.</p> <p>16 In Block A19, we have two. In Block A3, we have</p> <p>17 one. And in Block A4, we have two. So I'm sure</p> <p>18 that adds up to the eight.</p> <p>19 Q. You're right. It does add up to eight</p> <p>20 based on my math.</p> <p>21 MR. DEARING: Can I interrupt you for a</p> <p>22 second? Did we mark that as 11?</p> <p>23 MR. HEGARTY: Exhibit 11.</p> <p>24 Q. Okay. So we're continuing. Okay. You</p> <p>25 also list in this chart external minerals as -- and</p>	<p style="text-align: right;">Page 128</p> <p>1 We had gone out of our way to make sure</p> <p>2 they were numbered, and it doesn't seem like they</p> <p>3 are. So it's possible that -- I don't know. I</p> <p>4 don't have a good explanation for either why they're</p> <p>5 not numbered or why tremolite wasn't listed in the</p> <p>6 summary when, in fact, we had an example of it.</p> <p>7 Q. Moving ahead over the next several pages of</p> <p>8 Exhibit No. 11, did you include exemplar images and</p> <p>9 spectrum of the talc and other particles you found</p> <p>10 in this analysis?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. We made reference to the finding in this</p> <p>13 analysis of at least one tremolite particle. I'm</p> <p>14 going to go ahead and mark as your report the next</p> <p>15 exhibit. So I'm going to mark as Exhibit No. 12</p> <p>16 your report for the Tamara Newsome case.</p> <p>17 MR. DEARING: It's also got his CV</p> <p>18 attached. That's why it's so thick.</p> <p>19 (June 24, 2021 expert report for Newsome</p> <p>20 case, Exhibit 12, marked)</p> <p>21 Q. Is Exhibit No. 12 your report for</p> <p>22 Ms. Newsome, Dr. Godleski?</p> <p>23 A. Yes.</p> <p>24 Q. In your report, how many tremolite</p> <p>25 fragments or fibers did you report finding for</p>
<p style="text-align: right;">Page 127</p> <p>1 a count number of 165; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. What's an example of an external mineral</p> <p>4 other than talc?</p> <p>5 A. Aluminum silicate.</p> <p>6 Q. You list here 31 talc particles; correct?</p> <p>7 A. Yes.</p> <p>8 Q. You don't reference any tremolite fragments</p> <p>9 or fibers in this part of the analysis; correct?</p> <p>10 A. Doesn't look like we do.</p> <p>11 Q. Please turn several pages down. And</p> <p>12 they're not numbered, but if you look over at</p> <p>13 Electron Image 82, Spectrum 215, this appears to be</p> <p>14 what you're calling tremolite. Tell me when you can</p> <p>15 find it.</p> <p>16 A. Yes.</p> <p>17 Q. We saw in the report we looked at earlier</p> <p>18 where you included the reference to tremolite in the</p> <p>19 summary of analyzed particles. Why was that not</p> <p>20 referenced in the Newsome "summary of analyzed</p> <p>21 particles" chart?</p> <p>22 A. I don't know. It should have been. The</p> <p>23 other thing is that maybe it was for some other pile</p> <p>24 of cases and materials, but I thought we had all</p> <p>25 these pages numbered.</p>	<p style="text-align: right;">Page 129</p> <p>1 Ms. Newsome?</p> <p>2 A. I believe one.</p> <p>3 Q. Is your answer "one," Dr. Godleski?</p> <p>4 A. I believe the answer is one.</p> <p>5 Q. Is the spectrum and image we looked at in</p> <p>6 the analysis summary that one tremolite fiber?</p> <p>7 A. It was -- yeah. It's the one that's the --</p> <p>8 yeah.</p> <p>9 Q. So the Electron Image 82, Spectrum 215 is</p> <p>10 the one tremolite fiber that you found in</p> <p>11 Ms. Newsome's tissue; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Thank you.</p> <p>14 A. And this one has both iron and calcium.</p> <p>15 And I think they -- if you look at 215 in the</p> <p>16 picture -- the picture is very low power. But it's</p> <p>17 on the picture. About a quarter of an inch below it</p> <p>18 is the fiber.</p> <p>19 Q. A quarter inch below the number 215?</p> <p>20 A. Yeah.</p> <p>21 Q. Thank you.</p> <p>22 A. Do you see it there?</p> <p>23 Q. Not very well in my copy, but.</p> <p>24 A. Yeah. This is a very low power. Sometimes</p> <p>25 we end up with those -- with these numbers on them.</p>

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<p>1 And there are some times we can enhance these to 2 make them better.</p> <p>3 But another way of doing it is I will 4 sometimes show the -- rather than this image that 5 has it labeled, actually take the SEM image and put 6 an arrow to it. But -- and that's -- what did we 7 use in the report?</p> <p>8 Q. Does your report refer to the image and 9 spectrum for the tremolite particle?</p> <p>10 A. Yes.</p> <p>11 Q. What image and spectrum are you looking at?</p> <p>12 A. It shows that, if you blow it up, there's 13 actually a fiber there.</p> <p>14 Q. What page are you on?</p> <p>15 A. Of my report, 6. So you can see this is 16 very low power. And you either have to assume that 17 it's that thing a quarter of an inch away or 18 something under the cross. And it appears like it 19 was something under the cross, based on where the 20 arrow is.</p> <p>21 Q. Thank you. Going back to your summary of 22 analysis document, Doctor --</p> <p>23 A. In fact, we point out that it has an aspect 24 ratio of 2 to 1, not 3 to 1.</p> <p>25 Q. Where are you describing that aspect ratio,</p>	<p>1 estimate. But it -- it's just drawn on later. But 2 it's based on what the relationship is in the 3 microscope, but it's an estimate for sure.</p> <p>4 Q. I want to mark next the pathology report 5 that you provided.</p> <p>6 MR. HEGARTY: I believe we're at 7 Exhibit 13.</p> <p>8 (Pathology report for Newsome case, 9 Exhibit 13, marked)</p> <p>10 Q. We're handing you, Dr. Godleski, the 11 pathology report that was provided for Ms. Newsome's 12 case. Is this the pathology report you reviewed for 13 Ms. Newsome?</p> <p>14 A. Yes.</p> <p>15 MR. HEGARTY: I want to next mark as an 16 exhibit the handwritten notes of particle review by 17 PLM that we were provided. I'm going to mark this 18 as Exhibit 14.</p> <p>19 (Handwritten notes for Newsome case, 20 Exhibit 14, marked)</p> <p>21 Q. So I'm handing you what's been marked as 22 Exhibit No. 14, which are handwritten notes that 23 refer to slides with and without birefringent 24 particles. Whose handwriting are we looking at on 25 this document?</p>
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<p>1 2 to 1, rather than 3 to 1?</p> <p>2 A. In the legend in Figure 4.</p> <p>3 Q. Okay. Thank you. I got it.</p> <p>4 A. And recall that I was talking about how 5 they -- the material can disappear into the tissue? 6 This is an example of that.</p> <p>7 Q. We'll come back to that.</p> <p>8 A. But, in fact, we could only see the 2 to 1 9 portion of it.</p> <p>10 Q. Okay. Go back to your summary analysis -- 11 I'm sorry -- the "analysis summary" document, 12 Exhibit No. 11. The second page refers to the 13 blocks that were received. Those were A3, A4, A15, 14 A16, and A19; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. We also see, if we move pages down the 17 line, another example of a photo -- of a picture of 18 tissue where you have yellow dots listed. Is that 19 where the -- by light microscopy the particles were 20 found?</p> <p>21 A. No.</p> <p>22 Q. I'm sorry. By --</p> <p>23 A. By SEM, yes.</p> <p>24 Q. -- SEM. Thank you.</p> <p>25 A. And what that is -- that's just an</p>	<p>1 A. Dr. McDonald.</p> <p>2 Q. Do you recall if you also reviewed the 3 slides that are referenced here for birefringent 4 particles in the Newsome case?</p> <p>5 A. I did, yeah.</p> <p>6 Q. Did someone record -- whether it's 7 Dr. McDonald or you -- the number of particles they 8 found in the slides with birefringent particles?</p> <p>9 A. No.</p> <p>10 Q. As far as your process goes, that's not 11 something that you or Dr. McDonald records as the 12 review is taking place?</p> <p>13 A. Usually not. We often will have pictures 14 of them but not otherwise record it.</p> <p>15 Q. Based on my count of the numbers of slides 16 with and without birefringent particles, Exhibit 14 17 shows eight slides with birefringent particles and 18 23 slides without birefringent particles; is that 19 correct?</p> <p>20 A. Sounds right.</p> <p>21 Q. This handwritten note then says 22 "Recommended blocks for further studies: A3, A4, 23 A15, A16, and A19." Do you see where I'm reading 24 from?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 134</p> <p>1 Q. Why were those blocks selected for 2 Ms. Newsome?</p> <p>3 A. Well, clearly, A4, A15, and 16 had 4 birefringent particles, but A3 and A19 didn't. And 5 let me look at the path report to see what they are. 6 A3 is right adnexa, which means it probably 7 was an ovary section that we might not have 8 otherwise had. And it was a right ovary. And then 9 A4 is cervix. A19 is left ovary. So we're looking 10 to get sections of ovary as a way of looking at it. 11 And sometimes, we take blocks where we 12 don't see particles, and so what the interpretation 13 of that is -- again, if we're thinking of planes -- 14 that we have a thousand planes in the section, and 15 if we don't see it by polarized light -- or let's 16 say -- put it this way. If we see it by polarized 17 light, we expect that we're going to see it in 18 subsequent levels; and more often than not, we do. 19 Sometimes we don't. 20 If we don't see it at polarized light but 21 it's the only block of a particular tissue that's 22 significant, like the ovary, we'll sometimes take 23 that block and see if we can find it. 24 And now we're using -- as I answered very 25 early in this -- Permanox slides. So if we cut an</p>	<p style="text-align: right;">Page 136</p> <p>1 documents. 2 (March 26, 2021 letter, Exhibit 15, 3 marked)</p> <p>4 Q. I marked next as Exhibit 15 a copy of a 5 letter signed by you sent to Holy Cross Hospital in 6 Silver Spring, Maryland, dated March 26, 2021 7 concerning Tamara Newsome.</p> <p>8 Is this a letter from you to the pathology 9 department at Holy Cross Hospital requesting blocks 10 for the Newsome case?</p> <p>11 A. This is a letter that I wrote as a -- for 12 requesting blocks. It's not necessarily -- it may 13 have been for this one where -- but it's also used 14 as a way of obtaining the -- obtaining blocks by the 15 law firm.</p> <p>16 Q. If you look at the end of the first 17 paragraph, there's a reference to the blocks you 18 were seeking for Patient S152514. They include 19 Blocks A1FS to A19, B1 to B9, and C. If you look 20 back at Exhibit 14, those are more blocks than what 21 the handwritten notes say that you were requesting. 22 Do you see where I'm referring?</p> <p>23 A. That looks to me like that's requesting all 24 the blocks.</p> <p>25 Q. Look at your -- if you could look at your</p>
<p style="text-align: right;">Page 135</p> <p>1 extra Permanox slide, that gives us a couple more 2 levels to look at.</p> <p>3 So now, in fact, sometimes we're reporting 4 that we found X number of particles on studying 5 three levels or four levels, rather than just one 6 level, as we're mostly doing in these cases.</p> <p>7 Q. With regard to the birefringent material 8 you identified by polarized light microscopy, as we 9 talked about before, that cannot be identified at 10 this stage as talc; correct?</p> <p>11 A. We don't accept it as talc. We call them 12 birefringent particles.</p> <p>13 Q. In the Newsome case, did you make any 14 attempt to correlate the findings by polarized light 15 microscopy with the number of particles you 16 identified by SEM, slash, EDS?</p> <p>17 A. Yes.</p> <p>18 Q. In the Newsome case?</p> <p>19 A. No. We did that in one of our papers.</p> <p>20 Q. Right. I'm talking about in the Newsome 21 case.</p> <p>22 A. No.</p> <p>23 Q. I want to mark next the document where you 24 requested the blocks, I believe, if we have that 25 document. Actually may be in the chain of custody</p>	<p style="text-align: right;">Page 137</p> <p>1 report, Exhibit 12, for Ms. Newsome. Does it show 2 that you made a request for all the blocks?</p> <p>3 A. Pretty much that's how I read that.</p> <p>4 Q. If you look, though, over at page 3 of your 5 expert report, the second paragraph -- the first 6 part appears to indicate that you only made the 7 request for the five blocks that are shown in the 8 handwritten notes of Exhibit No. 14.</p> <p>9 A. Yes.</p> <p>10 Q. The letter we marked as Exhibit No. 15 11 indicates that you made the request for all the 12 blocks. Did you receive all the blocks?</p> <p>13 A. I don't know. What does the chain of 14 custody say?</p> <p>15 Q. Let's go to that document next, then.</p> <p>16 MR. HEGARTY: We'll next mark as the 17 next exhibit the chain of custody documents we 18 received for Ms. Newsome's case. I believe we're on 19 Exhibit 16.</p> <p>20 (Chain of custody documents for Newsome 21 case, Exhibit 16, marked)</p> <p>22 Q. So, Dr. Godleski, I'm showing you what I 23 marked as Exhibit No. 16, which are the chain of 24 custody documents that we received from you that 25 does include -- if you look at the first form or, I</p>

1 should say -- let me back up. 2 So we marked as Exhibit No. 16 the chain of 3 custody documents we received in connection with the 4 Newsome case. If you look at the -- about the third 5 page of that document, it's the start of the chain 6 of custody form with a date at the top of September 7 16, 2020. It refers to a facility name of Holy 8 Cross Hospital, 1500 Forest Glen Road. Do you see 9 where I'm referring you to? 10 A. Yes. 11 Q. If you look at the bottom of that document, 12 it says "Entry 1, recipient location." It refers to 13 the name of Blasingame, Burch, Garrard & Ashley. Do 14 you know what that law firm is? 15 A. No. 16 Q. It refers to receiving 31 H&E-stained 17 slides, Case No. S15, dash, 2514. Do you see that? 18 A. Yeah. 19 Q. Then if we go down from the bottom there, 20 we see a person receiving's name, then date of 21 October 30, 2020 at 11:15 a.m. Do you see where I'm 22 reading? 23 A. Yes. 24 Q. Do you know who that person is that 25 received this material on 10/30/2020?	Page 140 1 chain of custody letter notes that Steelgate 2 received 31 stained slides, S15, dash, 2514 on March 3 1, 2021. There's a name of a Mike Hartmann listed 4 there. Do you see that? 5 A. Yeah. 6 Q. Do you know who Mike Hartmann is? 7 A. No. 8 Q. There's also a witness there at the bottom. 9 Looks like or -- first name is Cearra. Do you see 10 that person's name? 11 A. Yeah. 12 Q. C-e-a-r-r-a, I believe, dated March 1, 13 2021. Do you see where I'm reading -- 14 A. No. You kind of lost me. 15 Q. -- the receiving of the Steelgate Inc.? 16 A. Okay. 17 Q. We see that the date at the very bottom of 18 that page is March 1, 2021. 19 A. Okay. 20 Q. Then turn over to the next page. Then we 21 see at the top a releasing party information of 22 Steelgate Inc. in Bradenton, Florida. Do you see at 23 the top where it says that? 24 A. Yeah. 25 Q. A date of February 26, 2021 where it is
Page 139 1 A. No. 2 Q. You can see, in the above part of the chain 3 of custody form, there's no listing of what was sent 4 to this Blasingame, Burch, Garrard & Ashley firm; 5 right? 6 A. Right. 7 Q. Turn over to the next page. At the top, it 8 reports a date of February 26, 2021. It is showing 9 releasing party information as Blasingame, Burch, 10 Garrard & Ashley. Do you see that? 11 A. Yeah. 12 Q. Then it lists the name of a person -- name 13 is difficult to read -- date of February 26, 2021. 14 And it lists what was released, 31 H&E-stained 15 slides, Case No. S152514. Do you see that? 16 A. Yes. 17 Q. Then the recipient is shown as a facility 18 called Steelgate Inc. Do you know what Steelgate 19 Inc. is? 20 A. Steelgate is -- I believe that's a facility 21 -- facilitating organization. 22 Q. Facilitating organization for what? 23 A. Getting medical records and pathology 24 materials and so forth. 25 Q. That part of the -- or -- this part of the	Page 141 1 showing or -- the date at the top. It is showing 2 release of 31 stained slides, again, S15, dash, 3 2514. Do you see where I'm reading? 4 A. Yeah. 5 Q. Date of March 23, 2021. Do you see that 6 date? 7 A. Yes. 8 Q. Then we go down to the next entry where 9 it's the recipient information or with the recipient 10 information. That lists your name; correct? 11 A. That's me. 12 Q. It notes recipient received 31 stained 13 slides, S15, dash, 2514; correct? 14 A. Yeah. 15 Q. Then below that is your name. Is that your 16 signature? 17 A. Yes. 18 Q. Dated 3/24/21? 19 A. Yeah. 20 Q. 10:15 a.m.; correct? 21 A. Yeah. 22 Q. There was no witness, though; correct? 23 A. No. 24 Q. No date or time of a witness? 25 A. No. I was probably in the office alone.

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<p>1 And then, up on top, I crossed out "transvaginal 2 mesh specimen."</p> <p>3 Q. Why did you cross that off?</p> <p>4 A. Because that's not what it was.</p> <p>5 Q. Did you interpret that you -- whoever sent 6 this to you used a chain of custody form that has 7 "transvaginal mesh" --</p> <p>8 A. Yes.</p> <p>9 Q. -- "specimen"?</p> <p>10 A. Exactly.</p> <p>11 Q. That's why you crossed through it?</p> <p>12 A. I crossed through it. I put my initials 13 and the date.</p> <p>14 Q. Is your handwriting in the Entry No. 3, the 15 recipient?</p> <p>16 A. Yes. On that page.</p> <p>17 Q. Is that all of your handwriting?</p> <p>18 A. Well, I don't know. That printing looks a 19 little good for my -- but my guess is that that's 20 all mine.</p> <p>21 Q. Okay. Turn over to the next page, which is 22 the first page of the document.</p> <p>23 A. Yeah.</p> <p>24 Q. It shows the next releasing party is you 25 with a date of 7/27/2021; is that correct?</p>	<p>1 Q. Do you know what happened to the chain of 2 custody information for the 31 slides?</p> <p>3 A. No.</p> <p>4 Q. I'm going to mark next as an exhibit -- as 5 Exhibit 17, I believe, your cover letter that was 6 sent to us with regard to the -- as it relates to 7 Ms. Newsome.</p> <p>8 (July 27, 2021 letter, Exhibit 17, 9 marked)</p> <p>10 Q. Do you see in the middle paragraph of that 11 letter it says as to Newsome "Sent slides, path 12 report, and CoC to you previously on 3/29/21," 13 sending to you on this date -- then says "Sending 14 blocks, shavings, path report, CoC today."</p> <p>15 A. Right.</p> <p>16 Q. And that last line corresponds to the chain 17 of custody form we marked as Exhibit 16; right?</p> <p>18 A. Right.</p> <p>19 Q. What I have not -- we've not been able to 20 find is the slides, path report, and CoC sent on 21 March 29, 2021. Do you know where that 22 documentation is?</p> <p>23 A. No. I can check my files.</p> <p>24 Q. Okay. Can you make a point to check your 25 files prior to when we finish tomorrow?</p>
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<p>1 A. Yeah.</p> <p>2 Q. Looks like, again, the "transvaginal mesh 3 specimen" was ran through with ink, and the initial 4 this time of "SM," which is Sandra McDonald --</p> <p>5 A. Right.</p> <p>6 Q. -- dated July 27, 2021.</p> <p>7 A. Yeah.</p> <p>8 Q. Is that her handwriting in this releasing 9 part of the --</p> <p>10 A. Yes.</p> <p>11 Q. -- chain of custody form?</p> <p>12 A. Yeah.</p> <p>13 Q. You see where it looks like she initially 14 put in the date released of July 26 and it looks 15 like it was then switched to 27? Do you see that?</p> <p>16 A. Yeah.</p> <p>17 Q. And the releasing information here is of 18 five paraffin blocks and shavings cut from five 19 paraffin blocks. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And then at the bottom, we included our 22 receipt at Shook, Hardy & Bacon of what was sent, of 23 five paraffin blocks and shavings from five paraffin 24 blocks. Do you see that?</p> <p>25 A. Yeah.</p>	<p>1 A. Yeah.</p> <p>2 MR. HEGARTY: I want to mark next as an 3 exhibit the invoice we received.</p> <p>4 THE WITNESS: Just let me make a note.</p> <p>5 MR. HEGARTY: Go ahead.</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. HEGARTY: David has a copy of that 8 if he wants to give it to you for further follow-up.</p> <p>9 (Invoice for Newsome case, Exhibit 18, 10 marked)</p> <p>11 Q. I marked next as Exhibit 18 the invoice you 12 provided for your work done on the Newsome case. 13 Does Exhibit 18 appear to be your invoice for the 14 Tamara Newsome case?</p> <p>15 A. Yes.</p> <p>16 Q. It's dated June 23, 2021.</p> <p>17 A. Yeah.</p> <p>18 Q. Does this reflect the total amount of work 19 you have done -- that you did on the Newsome case 20 other than in the last day or so to prepare for 21 today's deposition?</p> <p>22 A. Looks like, in July, we have some hours 23 that aren't billed for in terms of getting this 24 material together and sending it and so forth.</p> <p>25 Q. You're talking about the previous several</p>

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<p style="text-align: right;">Page 146</p> <p>1 exhibits we referred to where you're sending things 2 out in July of 2021?</p> <p>3 A. Yeah. And even in -- on -- we don't -- 4 doesn't look like we billed for sending the slides 5 either.</p> <p>6 Q. Can you check on whether there's another 7 invoice for the Newsome case?</p> <p>8 A. Probably isn't.</p> <p>9 Q. Probably isn't. Okay.</p> <p>10 A. But I could check for notes of additional 11 hours.</p> <p>12 Q. Other than the time that you would have 13 spent sending out the blocks and the shavings in 14 July 2021, did you -- have you done any additional 15 work on the Newsome case between the last date of 16 this invoice and just before today's deposition?</p> <p>17 A. No.</p> <p>18 Q. If you would look at the third line down in 19 the invoice. March 25, 2021 is the date. Says 20 "e-mail requesting blocks."</p> <p>21 A. Yeah.</p> <p>22 Q. Is that -- are you actually referring to 23 the letter we marked as March -- as Exhibit 15 24 that's dated March 26, 2021?</p> <p>25 A. No. Sounds like an e-mail that would have</p>	<p style="text-align: right;">Page 148</p> <p>1 going to look for as it relates to your work on 2 Ms. Newsome's case?</p> <p>3 A. On -- yeah, on the Newsome case, we're 4 looking for just the things that I made note about.</p> <p>5 Q. Other than that, does this appear to be 6 your complete file for the Newsome case?</p> <p>7 A. Yes.</p> <p>8 Q. With regard to Ms. Newsome, do you know if 9 she's still living?</p> <p>10 A. I'm sorry?</p> <p>11 Q. With regard to Ms. Newsome, do you know if 12 she's still living?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know where she lives, if she's still 15 living?</p> <p>16 A. No.</p> <p>17 Q. What type of ovarian cancer did Ms. Newsome 18 have?</p> <p>19 A. I think -- let's see. She had -- I think 20 it was endometrioid, but let me double-check that.</p> <p>21 Yeah. Endometrioid.</p> <p>22 Q. I want to next talk to you in more detail 23 about your report for Ms. Newsome. So if you could 24 have that in front of you. It's your report of June 25 24, 2021.</p>
<p style="text-align: right;">Page 147</p> <p>1 been sent to Beasley Allen requesting blocks.</p> <p>2 Q. Did you look for that e-mail in providing 3 us materials as to Ms. Newsome's case?</p> <p>4 A. Yeah. I can look for it.</p> <p>5 Q. Thank you. As to this invoice, would you 6 have been paid for the amount listed?</p> <p>7 A. Yes.</p> <p>8 Q. Thank you.</p> <p>9 MR. DEARING: I have that e-mail if you 10 want me to forward it to you.</p> <p>11 MR. HEGARTY: That would be fine -- yeah 12 -- if you want to do that.</p> <p>13 MR. DEARING: Do you want to look at it 14 now and ask him about it? I mean, it's just a block 15 request.</p> <p>16 MR. HEGARTY: Go ahead and forward it to 17 me, and I'll come back.</p> <p>18 MR. DEARING: Just trying to minimize 19 what he has to go home and do tonight.</p> <p>20 MR. HEGARTY: Sure. Absolutely.</p> <p>21 MR. DEARING: He's got a lot of homework 22 already.</p> <p>23 Q. We've now marked the material we received 24 from you for the Tamara Newsome case. Are you aware 25 of any other materials besides the things you're</p>	<p style="text-align: right;">Page 149</p> <p>1 A. Just -- let's hold on a second. Attached 2 to the Newsome report was my CV. Did you want it 3 there?</p> <p>4 Q. If it was attached, it was because we 5 received the report with it attached to it.</p> <p>6 A. Okay.</p> <p>7 Q. So what that exhibit is intended to be is 8 what we were provided as your Tamara Newsome report. 9 So please keep that together because it is one 10 exhibit.</p> <p>11 A. Okay.</p> <p>12 Q. Thank you. So we're looking at Exhibit 13 No. 12. If you look at page 7, is that your 14 signature at the end? Is that your signature at the 15 end?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Thank you. What were you asked to 18 do with regard to the Newsome case?</p> <p>19 A. Again, look at the slides; confirm the 20 pathology, diagnosis; confirm the presence or 21 absence of talc and any other findings.</p> <p>22 Q. At the time that you were asked to review 23 Ms. Newsome's case, you were aware that she was a 24 plaintiff in a case alleging ovarian cancer from 25 talc exposure; correct?</p>

<p style="text-align: right;">Page 150</p> <p>1 A. Yes.</p> <p>2 Q. Does your report make reference to all the</p> <p>3 particles that you found as part of your review of</p> <p>4 her case?</p> <p>5 A. I'm sure it did.</p> <p>6 Q. Does your report contain all of what you</p> <p>7 intend to testify about with regard to Ms. Newsome?</p> <p>8 A. Yes.</p> <p>9 Q. Was the methodology used for your analysis</p> <p>10 in this case the same as you have used in other talc</p> <p>11 cases where you have testified?</p> <p>12 A. Yes.</p> <p>13 Q. Did you do anything different in</p> <p>14 Ms. Newsome's case than you had done in any other</p> <p>15 case where you have testified where a patient is</p> <p>16 alleging ovarian cancer from talcum powder use?</p> <p>17 A. No.</p> <p>18 Q. Did you use the same SEM and PLM equipment?</p> <p>19 A. Yes.</p> <p>20 Q. In this case, again, you did not use Raman</p> <p>21 spectroscopy; correct?</p> <p>22 A. I'm sorry?</p> <p>23 Q. In this case, you did not use Raman</p> <p>24 spectroscopy.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Do I have a copy of the --</p> <p>2 Q. Pathology? You should have. We marked it</p> <p>3 as Exhibit 13.</p> <p>4 A. Last one I have here is --</p> <p>5 MR. HEGARTY: Did I not give it to him?</p> <p>6 Do you have a copy, David?</p> <p>7 MR. DEARING: I think so.</p> <p>8 Q. Did you find it, Doctor?</p> <p>9 A. Yeah. I got it.</p> <p>10 Q. We're looking at Exhibit 13. And my</p> <p>11 question is please tell me what blocks you</p> <p>12 reviewed -- that is, what tissue you reviewed -- by</p> <p>13 SEM/EDS.</p> <p>14 A. Okay. So we did A3, which was labeled</p> <p>15 right adnexa, which would have been right ovary and</p> <p>16 tube. We reviewed three, so most likely</p> <p>17 predominantly ovary. We did A4, which was cervix.</p> <p>18 We did A16, which is right fallopian tube, and did</p> <p>19 A19, which is the left ovary.</p> <p>20 Q. Thank you. Other than the pathology report</p> <p>21 for Ms. Newsome, did you review any other records of</p> <p>22 hers?</p> <p>23 A. No.</p> <p>24 Q. Did you make any requests for any</p> <p>25 additional records or other information about</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. On page 2 of this report, at the top, the</p> <p>2 first full paragraph, it says that you reviewed 31</p> <p>3 out of a possible 31 slides for Ms. Newsome; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. We talked just a moment ago about the chain</p> <p>7 of custody documents showing you received 31 slides;</p> <p>8 is that correct?</p> <p>9 A. Right.</p> <p>10 Q. So does this mean that you reviewed all the</p> <p>11 slides you received?</p> <p>12 A. Yes.</p> <p>13 Q. Is the only documentation of that review</p> <p>14 the handwritten notes and then the PLM photographs</p> <p>15 that were made?</p> <p>16 A. Yes.</p> <p>17 Q. We talked earlier about the blocks that</p> <p>18 were reviewed. Can you tell me using the pathology</p> <p>19 report which we've marked as Exhibit 13 what tissue</p> <p>20 you reviewed using SEM/EDS? Do you understand my</p> <p>21 question?</p> <p>22 A. Yes.</p> <p>23 Q. Looking at the -- your report in relation</p> <p>24 to the pathology report, what tissue of Ms. Newsome</p> <p>25 did you review by SEM and EDS?</p>	<p style="text-align: right;">Page 153</p> <p>1 Ms. Newsome as part of your work on her case?</p> <p>2 A. No. We didn't have other information.</p> <p>3 Q. Did you make a request for any additional</p> <p>4 information?</p> <p>5 A. No.</p> <p>6 Q. Other than what we marked or looked at in</p> <p>7 Ms. Newsome's case --</p> <p>8 A. No.</p> <p>9 Q. -- do you agree with the findings of the</p> <p>10 pathology report as to the diagnosis of endometrioid</p> <p>11 adenocarcinoma?</p> <p>12 A. Yes.</p> <p>13 Q. Was there any part of the pathology report</p> <p>14 with which you disagree?</p> <p>15 A. No.</p> <p>16 Q. If you look at the first page of the</p> <p>17 pathology report, it appears to be a physician by</p> <p>18 the name of Thomas Ein, M.D. Do you see where I'm</p> <p>19 reading?</p> <p>20 A. On the last page, it says Scott Drury.</p> <p>21 Q. Scott Drury?</p> <p>22 A. M.D.</p> <p>23 Q. Is that -- does the last page indicate</p> <p>24 that's the pathologist?</p> <p>25 A. It's, actually -- yeah. It looks like it's</p>

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<p>1 the last page of this report. Perhaps he did the 2 addendum. I'm looking for -- yeah. Up at the top, 3 it says "Thomas Ein," E-i-n, is the attending, which 4 means the gynecologist, I would think.</p> <p>5 Q. Do you know either of those two doctors?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been to the lab at -- 8 pathology lab at Holy Cross Hospital in Silver 9 Springs?</p> <p>10 A. No.</p> <p>11 Q. Do you have any personal knowledge of the 12 processes employed at the lab to handle and process 13 tissue like for Ms. Newsome?</p> <p>14 A. No.</p> <p>15 Q. Looking at your report for Ms. Newsome, it 16 does not report you identifying any granulomatous 17 reaction. Does that mean you didn't see any?</p> <p>18 A. No or -- yes.</p> <p>19 Q. It also doesn't refer to finding any 20 foreign-body giant cell reaction. Does that mean 21 you also did not see that either?</p> <p>22 A. We did not see that.</p> <p>23 Q. Do you report in or do you make reference 24 in your report of June 24, 2021 seeing any tissue 25 reaction to any of the particles?</p>	<p>1 seeing any particles in macrophages for her; right?</p> <p>2 A. No. We didn't. And usually, I would put 3 those in as the pictures, and I didn't have that.</p> <p>4 And looking through the SEMs that we have here, I'm 5 not really seeing really good evidence of cells or 6 particles in tissue inside cells as we saw in the 7 Gallardo case.</p> <p>8 Q. If you look at Figure 1 in your report -- 9 that's on page 2 -- you're showing images by 10 polarized light microscopy; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Figure 1 makes reference to you reviewing 13 tissue of the ovary. That's in the top left; is 14 that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you identify in this photo or in the 17 figure text below to which ovary you're making 18 reference to?</p> <p>19 A. I don't have it in this picture -- in this 20 picture legend. It's obviously the ovary with 21 tumor. Let me just --</p> <p>22 Q. Please feel free to look at the pathology 23 report as well.</p> <p>24 A. Yeah. That's what I'm looking at. It 25 sounds like, in reading the pathology report, that</p>
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<p>1 A. No.</p> <p>2 Q. In particular, you didn't identify in the 3 Newsome case any particles in macrophages; correct?</p> <p>4 A. I didn't identify what?</p> <p>5 Q. In the Newsome case, you didn't find any 6 particles in macrophages; correct?</p> <p>7 A. We don't illustrate any in the pictures 8 that we show. I'm not sure whether we did find them 9 in other pictures that actually should have been 10 shared with you.</p> <p>11 Q. Do you recall, in other reports where you 12 have identified what you believe to be particles in 13 macrophages, you had made reference in your report 14 to that?</p> <p>15 A. Yes.</p> <p>16 Q. Is it generally your approach, if you do 17 see a particle in a macrophage, to include that in 18 your report?</p> <p>19 A. Sometimes.</p> <p>20 Q. And there have been cases where you have 21 not identified any particles in macrophages; 22 correct?</p> <p>23 A. That's possible, yes.</p> <p>24 Q. And as far as what you're aware of with 25 regard to the Newsome case, you're not remembering</p>	<p>1 they -- the tumor was in the right ovary only.</p> <p>2 Q. Are all four pictures of tumor tissue?</p> <p>3 A. Are what?</p> <p>4 Q. Are all four pictures of Figure No. 1 of 5 tumor tissue?</p> <p>6 A. Actually, they are -- so that -- certainly 7 the top two are tumor, and the bottom is ovarian 8 stroma that contains a birefringent particle. And 9 this very well may be an area of fairly dense stroma 10 that blends into tumor.</p> <p>11 If you look in the upper left picture 12 there, the top left, you see an area with the 13 endometrioid tumor. But then you see the supporting 14 stroma of that tumor. And where the stroma ends and 15 the normal ovarian stroma starts is sometimes hard 16 to tell.</p> <p>17 And that may be what we're looking at, so 18 that, the picture, higher magnification, down in the 19 lower right corner, may be an area like that.</p> <p>20 Q. Is it your reading of your report that all 21 four pictures are from slides for the right ovary?</p> <p>22 A. Yes.</p> <p>23 Q. With regard to what we're looking at in 24 Figure No. 1, as we have discussed in the past with 25 regard to polarized light microscopy, you cannot</p>

<p style="text-align: right;">Page 158</p> <p>1 tell by this view what these birefringent particles 2 are; correct?</p> <p>3 A. That's right. You can -- we can tell with 4 certainty by electron microscopy. By polarized 5 light we see birefringent particles which are likely 6 to be talc but may not be. May be other things.</p> <p>7 Q. And with regard to the particles you did 8 identify, other than what is set out in the spectrum 9 images, did you separately record the size of the 10 particles?</p> <p>11 A. No. But we have pictures of every one we 12 took, and you can usually work from the picture to 13 identify them.</p> <p>14 Q. Staying with page 2 of your report, the 15 paragraph just above Figure 1. And in reference to 16 the handwritten notes we looked at earlier, do you 17 see where you report that birefringent particles 18 were observed in eight of the 31 slides reviewed?</p> <p>19 A. Yes.</p> <p>20 Q. Turning to page 3 of your report. At the 21 bottom, it says you found a total of 31 talc 22 particles with one being fibrous. Do you see where 23 I'm reading?</p> <p>24 A. Yes.</p> <p>25 Q. Again, these particular particles cannot be</p>	<p style="text-align: right;">Page 160</p> <p>1 question again.</p> <p>2 Above Figure No. 3 on page 5, you show two 3 images and two spectra there; correct?</p> <p>4 A. Yes. .646 and .680.</p> <p>5 Q. I'm sorry. I meant to refer you to -- I'm 6 sorry. I'm sorry. I want to make sure we're 7 looking at Figure 3. Are you looking at Figure 3?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Are these images and spectrum from 10 uterine tissue?</p> <p>11 A. 224 is from A19. So that's left ovary.</p> <p>12 Q. Left ovary. Okay. What is the other one 13 from?</p> <p>14 A. And the other one is Spectrum 623. And 15 that is Block A4, which is right ovary, as I recall.</p> <p>16 Q. Well, I'm looking at your text at Figure 3. 17 And it says the -- with -- regarding Image 260 -- 18 the lower left image says it is an image of a 19 fibrous particle in uterus tissue Block A4.</p> <p>20 A. I thought -- A4 is labeled "cervix."</p> <p>21 Q. So should --</p> <p>22 A. So --</p> <p>23 Q. -- this part of the report say "cervical 24 tissue" instead of "uterus tissue"?</p> <p>25 A. Well, the cervix is part of the uterus.</p>
<p style="text-align: right;">Page 159</p> <p>1 matched with any of the particles we looked at by 2 polarized light microscopy; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And as far as what you're calling a talc 5 fiber, you're saying at the bottom of this page 6 that, if it has an aspect ratio great than 3 to 1, 7 you're calling that a fiber; correct?</p> <p>8 A. Yes.</p> <p>9 Q. In this case, as to the talc fiber that you 10 reported on, you say it met the accepted criteria of 11 a ratio of greater than 3 to 1. Was it at a ratio 12 of 3 to 1, or was it something higher than that?</p> <p>13 A. It says it was 3.2.</p> <p>14 Q. You're looking at the spectrum?</p> <p>15 A. I'm looking at the -- in my report on 16 page 5, the description of the lower left SEM image 17 where we have a scale on it as well as we have the 18 fiber. We describe the fiber having the dimensions 19 of 13 by 4 -- 13 microns long by 4 microns wide and 20 -- yielding a width -- length-to-width ratio of 3.2 21 to 1.</p> <p>22 Q. Thank you. You also included in your 23 report a Figure No. 3 that are Images 87 and B63. 24 And there's also listed there a spectrum for -- of 25 263. Do you see that? I'm sorry. Let me state the</p>	<p style="text-align: right;">Page 161</p> <p>1 But it more appropriately should say "cervical 2 tissue."</p> <p>3 Q. You also include a Figure 4 in your report, 4 which we've talked about earlier. This purports to 5 be an SEM analysis of tissue from the left ovary; 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. As we talked earlier, this was not an area 9 where there was tumor; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Going back to what you were talking about a 12 little bit ago. You make note in your description 13 of Figure 4 that the length and width aspect ratio 14 of this particle is 2 to 1; correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Then you go on to note that "Careful 17 inspection of this structure suggests it may in fact 18 have a greater aspect ratio, as the lower end 19 appears to disappear into the tissue." You see 20 where I'm reading?</p> <p>21 A. Yes.</p> <p>22 Q. Do you call this a fiber, or are you 23 calling this a particle?</p> <p>24 A. We're calling it a structure with a 2 to 1 25 aspect ratio.</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. A structure with a 2 to 1 aspect ratio 2 would not meet the definition you're applying for a 3 fiber. 4 A. It doesn't. It doesn't. So that's why 5 we're very precise in giving the exact dimensions 6 and our interpretation of the morphology. 7 Q. This, though, is a particle you were 8 calling tremolite; correct? 9 A. Yes. 10 Q. So would you call this a tremolite fragment 11 under how you're defining "fragment" versus "fiber"? 12 A. From what we could see, you could say that, 13 that it's a fragment. The feeling was that it went 14 into the tissue and could be a fiber, but we can't 15 prove it. 16 Q. For purposes of your report, for purposes 17 of what you're going to testify to, you're not going 18 to call that tremolite fiber; correct? 19 A. I'm calling it tremolite with this 20 morphology, and let anybody decide whether they want 21 to call it a fiber or not. But that was our 22 interpretation of it. Made it very precise. 23 Q. Looking at this spectrum that is the 24 spectrum on -- above Figure 4 on page 7, it shows 25 two calcium peaks. That's not the standard spectrum</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Yes. 2 Q. But to your knowledge, that's not been done 3 as to ovarian, uterus, cervix, or any other 4 reproductive tract tissue? 5 A. That's correct. 6 Q. Are you able to say with regard to 7 Ms. Newsome that your finding of this tremolite 8 particle is different than what the general 9 population is with regard to tremolite in 10 reproductive tract tissue? 11 MR. DEARING: Objection. Form. 12 A. I believe so because we have a substantial 13 number of talc particles that we've identified, and 14 that establishes her exposure. And the fact that we 15 have one tremolite relative to that number of talc 16 suggests that this is a part of the same exposure. 17 Q. Hypothetically, if you had looked at 18 Ms. Newsome's tissue and found only that one 19 tremolite particle, no talc, would you be able to 20 say that she was -- that her tissue is different 21 than what you would see in the general population? 22 MR. DEARING: Objection. Form. 23 A. If we saw on the slide that we had the 24 tissue -- we had a slide and we saw birefringent 25 particles on that slide and then all we found within</p>
<p style="text-align: right;">Page 163</p> <p>1 for tremolite, is it? 2 A. Oh, calcium -- when you're looking at 3 spectra, you often have more than one peak for the 4 same element. It's just a different -- you're 5 seeing different shells of the atom, basically. As 6 you see more peak -- but the peaks have -- they're 7 calcium peaks. And it's all the same. It's just a 8 different orbital shell of the mol -- of the atom. 9 Q. With regard to what we're looking at here 10 -- that is, this spectrum for tremolite -- do you 11 agree you're not able to say whether this is an 12 asbestosiform or non-asbestosiform type of tremolite? 13 A. It's a fiber that we think may be longer, 14 but all we can see is 2 to 1 ratio of it. 15 Q. So whether it's asbestosiform or non- 16 asbestosiform, you cannot tell. 17 MR. DEARING: Objection. Form. 18 A. It's difficult to say. 19 Q. With regard to Ms. Newsome, have you done 20 any analysis of any background levels of asbestos 21 she may have been exposed to? 22 A. No. 23 Q. As we talked earlier, there have been 24 studies done of background levels of asbestos in the 25 general population using lung tissue; correct?</p>	<p style="text-align: right;">Page 165</p> <p>1 the rest of the case was this one tremolite 2 particle, we would argue that we have two levels 3 where we're seeing material that's birefringent. 4 And so it suggests that there's a lot more 5 through the rest of the tissue because looking at 6 two levels only, we still found it. 7 Now, if we added to that our Permanox slide 8 methodology where we now have four levels to look 9 at, we probably would go back and look at the 10 additional levels and see whether we find nothing on 11 there or we find additional particles. 12 And so if we went back and we found one 13 particle by polarized light, one particle in the 14 block as we looked at it, and then one particle in 15 each of the Permanox slides that we looked at, we 16 would argue that this probably -- this patient 17 probably has hundreds of particles within that 18 block. 19 If we went back and looked at the 20 additional Permanox slides and we -- maybe even we 21 didn't have a birefringent particle in the light 22 microscope and we found one particle, we wouldn't be 23 able to say a whole lot about it. 24 Q. You mentioned, though, earlier you don't 25 have that Permanox slide process available.</p>

<p style="text-align: right;">Page 166</p> <p>1 A. We don't use -- we didn't have -- we 2 weren't using it or have it available in 2021. 3 Q. Do you have it available now? 4 A. This is a new approach that we're using. 5 And we're now -- with these smaller numbers, we're 6 reporting them differently. 7 Q. As with regard -- let me start over again. 8 With regard to the one tremolite particle, 9 do you agree you cannot say when that particle came 10 to be in Ms. Newsome's tissue?</p> <p>11 MR. DEARING: Objection. Form. 12 A. Yes, we can say. But we -- based on our 13 findings of the number of particles we have in the 14 tissue, we would say that it was in her tissue when 15 she was alive.</p> <p>16 Q. But as to the talc particles and the 17 tremolite particle that you found, you cannot say 18 how long they had been in her tissues; correct? 19 A. That's right. Talc has a dissolution rate 20 that's nine years for half of it. So it has a very 21 long dissolution rate, as does tremolite or does -- 22 almost insoluble. So you can't say how long it's 23 been there.</p> <p>24 Q. As to the talc particles you found and/or 25 the tremolite you found, you also cannot identify</p>	<p style="text-align: right;">Page 168</p> <p>1 total of 821 particles in the tissue you reviewed 2 for Ms. Newsome; correct? 3 A. That's correct. 4 Q. You provided in the Dropbox all the images 5 and spectrum of those particles. Or at least that's 6 what you intended to do; correct? 7 A. Yes. 8 Q. In that paragraph, how many exogenous 9 particles did you identify in Ms. Newsome's tissue? 10 A. 354. 11 Q. And of those 354, how many were exogenous 12 metals? 13 A. The 354, it's possible some of them are 14 iron. But most of these would be sodium, calcium, 15 and so forth. 16 Q. How many exogenous particles did you 17 identify in Ms. Newsome's tissues? 18 A. 215. 19 Q. Those are broken down by what you list next 20 as 15 non-talc magnesium silicates, 27 magnesium 21 silicates with other cations and/or ions, and 173 22 other exogenous particles which included various 23 combinations of metals and/or silicone -- silicon 24 and/or nonmetallic elements; is that correct? 25 A. Yes.</p>
<p style="text-align: right;">Page 167</p> <p>1 based on what you did the source of those particles; 2 correct? 3 A. That's right. There's nothing distinctive 4 about the -- either the talc or the tremolite that 5 says what its source is. 6 Q. Do you have any information or -- let me 7 ask it differently. 8 At the time you prepared your report 9 through today, did you have any information about 10 the nature and extent of Ms. Newsome's exposure to 11 talcum powder products? 12 A. No. 13 Q. In particular with regard to body powder, 14 did you know -- did you have any information and do 15 you have any information about the amount, the 16 frequency, and duration of her use of any type of 17 body powders? 18 A. No. 19 Q. Do you have any information about her use 20 of other products that may have contained talc or 21 other particles, such as soaps, douches, toilet 22 paper, things like that? 23 A. No. 24 Q. Turning over to page 4 of your report. The 25 second full paragraph says that you identified a</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Then Table 1 lists the location by block of 2 those talc particles that you identified; correct? 3 A. That's correct. 4 Q. And the one particle that's at A4, 5 Spectrum 623, is one that you identified, as we 6 talked about earlier, as a talc fiber. 7 A. That's correct. 8 Q. In looking through the images and spectrum 9 that you provided, there are references in those 10 materials to aluminum, zirconium, titanium, 11 something called hafnium, and something called 12 y-t-t-r-i-u-m. 13 A. Yttrium. 14 Q. What is the word? 15 A. Yttrium. 16 Q. Yttrium. Do you have any opinion as to the 17 sources of those materials for being in 18 Ms. Newsome's tissues? 19 A. No. 20 Q. Do you sometimes see zirconium in tissues? 21 A. Zirconium is actually common because 22 zirconium is in many deodorants, and so it's not 23 unusual. 24 Q. What about the other two, the hafnium and 25 the yttrium?</p>

1 A. Hafnium and yttrium are unusual. 2 Q. Do you know of any products that those 3 materials are in? 4 A. Not that I know of. 5 Q. With regard to Ms. Newsome, you did not 6 make an attempt to count or to identify all the 7 particles in the entirety of the tissue you 8 received; correct? Let me ask it differently. 9 That's not a good question. 10 With regard to Ms. Newsome, you did not 11 make an attempt to look across the entirety of the 12 tissue you had and identify every particle that's in 13 that tissue; correct? 14 A. We don't identify -- we don't analyze any 15 particles that we find on the surface of the tissue 16 because, even though it's just the edge of the 17 surface, it very -- has a definite chance of getting 18 there by contamination in the laboratory. So we 19 don't analyze that. 20 Sometimes, when there's a lot of tissue to 21 look at, we'll focus -- we'll draw a map of the 22 normal ovarian tissue and stay away from the tumor 23 because -- and especially if it's a serous carcinoma 24 where we know it has thousands of calcium particles 25 in there that are all endogenous, it would really	Page 170 1 scale of it, I'll ask him. So, in fact, he helps 2 with the report because he's rescaled the scan. But 3 it's either Dr. McDonald or Dr. Fan would contribute 4 in some ways to the drafting of the report. 5 Q. If you look at the very last paragraph of 6 your report on page 7, do you intend to testify as 7 it relates to Ms. Newsome in regards to your 8 findings of talc and tremolite as you have done in 9 other cases where you've been deposed and/or given 10 trial testimony? 11 A. That's correct. 12 Q. In other words, do you intend to do 13 anything different with regard to your ultimate 14 opinions about Ms. Newsome than you have done in 15 other cases where you've testified? 16 A. Right. Same as other cases and essentially 17 what I've written here. 18 MR. HEGARTY: Let's go ahead and take a 19 short break. 20 MR. DEARING: Can I ask just a follow-up 21 question? 22 MR. HEGARTY: Yes. 23 EXAMINATION 24 BY MR. DEARING: 25 Q. In your review of all this tissue of
Page 171 1 just waste our time. And so we would tend to look 2 at normal tissue. 3 In this particular case, we certainly 4 looked at a block that has some tumor in it. 5 Whether, in fact, we looked into the tumor, I really 6 don't know. I'd have to go back. And sometimes, 7 Dr. Fan makes a map of where he studied. And, you 8 know, the length of time here, I don't recall 9 whether I was looking over his shoulder when he did 10 his analysis. 11 Q. Did anyone assist you in preparing your 12 report for Ms. Newsome, that is, the drafting or the 13 finalizing of the report? 14 A. I'm sorry? 15 Q. Did anyone assist you in the drafting or 16 the finalizing of your report for Ms. Newsome that 17 we marked as Exhibit No. 12? 18 A. I don't specifically recall. But 19 generally, I do the reports. 20 Q. The only other possible person that would 21 have helped you is Dr. McDonald. Is that fair? 22 A. Probably Dr. McDonald might have 23 contributed. Sometimes, if there's something 24 particular that -- like I would prefer Dr. Fan show 25 a specimen or spectrum in some way in terms of the	Page 173 1 Ms. Newsome, did you see any evidence of 2 endometriosis? 3 A. No. 4 Q. Okay. And let me ask you the same question 5 about Ms. Gallardo. I promise I won't keep going 6 back to her case. But did you, in your review of 7 all her tissue -- Ms. Gallardo's tissue -- did you 8 see any evidence of endometriosis? 9 A. No. 10 EXAMINATION 11 BY MR. HEGARTY: 12 Q. In connection with your review of the 13 Newsome case, did you look for any evidence of 14 endometriosis in her tissue? 15 A. We look for it in all cases of endometrioid 16 carcinoma. 17 Q. If you find any indication of 18 endometriosis, would you make note of that in your 19 report? 20 A. Yes. Or maybe there wouldn't be -- even be 21 a report. 22 Q. Why would there -- why would there not be a 23 report? 24 A. Because there's an association of 25 endometriosis and endometrioid carcinoma.

<p style="text-align: right;">Page 174</p> <p>1 Q. If you decided to prepare a report or -- 2 let me back up. 3 You had indicated that you did not see any 4 indication of endometriosis in Ms. Newsome's tissue. 5 Is that something you recall specifically here 6 today, or you know you didn't because we're sitting 7 here talking about her case? 8 A. Exactly. The latter. 9 Q. Is that also true with regard to your 10 review of the tissue for Ms. Gallardo? 11 A. Absolutely. I believe, in the Gallardo 12 case, I even mention that point as negative in that 13 report. 14 Q. You recall seeing a reference in the 15 Gallardo report to not finding endometriosis? 16 A. I believe so. 17 Q. Did you make such a report -- a reference 18 in the -- a report you prepared for Ms. Newsome? 19 A. I don't believe so. Or maybe I made it in 20 this one, not the other one. I know at least in one 21 of these with the endometrioid carcinoma, I made 22 that -- there is that comment in the report. But 23 this is something we always look for. 24 Q. Do you look for endometriosis only in those 25 cases where you've got either a diagnosis of</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Do you recall if those were all the blocks 2 that were also requested? 3 A. I believe so. 4 Q. If you look at the next several pages, do 5 the procedures listed there describe what was done 6 in this case? 7 A. Yes. 8 Q. Were those procedures the same as you have 9 applied in all the other cases where you have 10 testified involving a patient claiming ovarian 11 cancers from talcum powder use? 12 A. Yes. 13 Q. Did you do anything different with regard 14 to Ms. Judkins than you had done in any other case 15 where you've offered testimony involving a plaintiff 16 alleging ovarian cancer from talcum powder use? 17 A. No. 18 Q. Please turn over to the "summary of 19 analyzed particles" page. That page lists the 20 number of external minerals -- I'm sorry -- number 21 of external metals as 46; correct? 22 A. That's correct. 23 Q. Those -- the number of external metals and 24 other particles which are in the summary page are 25 also listed or are then broken down between</p>
<p style="text-align: right;">Page 175</p> <p>1 endometrioid adenocarcinoma and clear-cell 2 adenocarcinoma or also for cases involving serous 3 adenocarcinoma? 4 A. Well, we always look for it. It's a 5 pertinent diagnosis. But we especially look for it 6 in cases of endometrioid or clear-cell. 7 MR. HEGARTY: Thank you. Let's go ahead 8 and take that break. 9 (A break was taken) 10 MR. HEGARTY: We are back on the record. 11 Q. I want to now talk to you about your review 12 of Ms. Judkins' case. I want to begin by marking as 13 our first exhibit -- which -- I believe we're on 14 Exhibit 19 -- the analysis summary for Ms. Judkins. 15 (Analysis summary for Judkins case, 16 Exhibit 19, marked) 17 Q. Is Exhibit No. 19, Dr. Godleski, your 18 analysis summary for Ms. Judkins? 19 A. Yes. 20 Q. Was it prepared by Dr. Fan on June 4, 2021? 21 A. Yes. 22 Q. If you look at the second page, it refers 23 to the blocks that were received for Ms. Judkins. 24 Looks like E2, G5, A2, G6, E1, G2, D6, and D7. 25 A. That's correct.</p>	<p style="text-align: right;">Page 177</p> <p>1 Blocks D6, G2, G5, and all other blocks; correct? 2 A. Yes. 3 Q. Do you know why in this page that these 4 other blocks were not listed by block versus all 5 other blocks as compared to your other reports we've 6 looked at? 7 A. It looks like they're a group of blocks 8 that didn't have any findings of talc. So he just 9 chose to list them all together. 10 Q. If we look through the images and spectrum 11 that are provided in this report, are these examples 12 of images and spectrum that you're calling talc in 13 this case? 14 A. Yes. 15 Q. This report, on the page before "summary of 16 analyzed particles," says that the total number of 17 talc particles found was 17. 18 A. Yes. 19 Q. You did not find any talc fibers in this 20 case; is that correct? 21 A. That's correct. 22 Q. You did not find anything you called 23 tremolite, either a fragment or a fiber, in -- with 24 -- in Ms. Judkins' case; correct? 25 A. That's correct.</p>

1 Q. The next exhibit I want to mark for 2 Ms. Judkins' case is the invoice you provided to us. 3 MR. HEGARTY: I'm going to mark the 4 invoice as Exhibit No. 20. 5 (Invoice for Judkins case, Exhibit 20, 6 marked) 7 Q. Is Exhibit No. 20 your invoice for your 8 work on Ms. Judkins' case? 9 A. Yes. 10 Q. Does it represent all the work you have 11 done on Ms. Judkins' case, other than perhaps what 12 you've done recently to prepare to testify today? 13 A. That's correct. And it doesn't list any 14 work related to sending out the blocks and tissues 15 and so forth. So there's probably a little bit of 16 work involved there. 17 Q. Do you intend to invoice that work? 18 A. Huh? 19 Q. Sitting here today, do you intend to 20 invoice that other work about sending out the blocks 21 and tissue? 22 A. Yeah. 23 Q. Have you been paid for the amount shown on 24 this invoice? 25 A. Yes.	Page 178 1 pathology report as Exhibit No. 21. 2 (Pathology report for Judkins case, 3 Exhibit 21, marked) 4 Q. Is Exhibit No. 21 the pathology report that 5 you received and reviewed for Ms. Carter -- I'm 6 sorry -- for Ms. Judkins? 7 A. Yeah. 8 Q. How did you go about receiving the 9 pathology report? 10 A. I expect it came with the slides or the 11 blocks or maybe -- probably the slides. 12 Q. The next document I want to mark is the 13 handwritten notes that we were provided for this 14 case. 15 MR. HEGARTY: We'll mark the single page 16 of handwritten notes as Exhibit 22. 17 (Handwritten notes for Judkins case, 18 Exhibit 22, marked) 19 Q. With regard to Exhibit No. 22, again, is 20 that Dr. McDonald's handwriting? 21 A. Yes. 22 Q. Is this showing from her review of the 23 slides for Ms. Judkins the slides with and without 24 birefringent particles? 25 A. Yes.
Page 179 1 Q. This invoice shows a March 29, 2021 e-mail 2 requesting blocks. Do you see that reference? 3 A. Yes. 4 Q. I don't believe in the materials we were 5 provided that that e-mail was included. Do you know 6 where that e-mail, if at all, exists? 7 A. I would think it's in my file and -- 8 otherwise -- 9 Q. If it was in your file, would you have 10 provided it to us? 11 A. I would think so. 12 Q. If we didn't get it, does that mean 13 anything to you? 14 A. It may have been in my -- may be on my 15 computer or may not be on my computer. I've had 16 storage issues with my computer lately, my e-mail. 17 Q. The next document -- 18 MR. HEGARTY: And before I go on, David, 19 if you could find that e-mail requesting blocks, if 20 it went to you, we would like to get a copy of that. 21 MR. DEARING: I'm making a note. 22 Q. The next document I want to mark that you 23 provided to us is the pathology report for 24 Ms. Judkins. 25 MR. HEGARTY: We're going to mark the	Page 181 1 Q. This indicates, if my math is correct, that 2 21 slides had birefringent particles and 10 did not. 3 Does that sound right? 4 A. Yeah. 5 Q. With regard to the slides with birefringent 6 particles, were the number of particles recorded 7 anywhere during the course of the review of the 8 slides? 9 A. No. 10 Q. Sticking with the handwritten document, at 11 the bottom it says "Recommended blocks for further 12 studies: A2, D6, D7, E1, E2, G2." 13 A. That may be "F2." 14 Q. You think it might be "F2." Okay. E1, F2, 15 G2, G5, and G6; is that correct? 16 A. Yeah. 17 Q. Do you know why those particular blocks 18 were requested for Ms. Judkins? 19 A. Looks like maybe that is E2, looking at the 20 upper thing, and G is -- or F is omentum. 21 Q. It looked like an E to me. 22 A. Yeah. I guess -- 23 Q. That may be -- 24 A. -- it's an E. 25 Q. -- an E. So the recommended blocks instead

1 of F2 should be E2; correct? 2 A. Yes. 3 Q. Why were those blocks requested for 4 Ms. Judkins? 5 A. Again, it's a series of blocks that 6 includes the right tube and ovary where the tumor 7 is. Then it's lymph nodes and -- let's see. G 8 includes the cervix and left tube. So it's a 9 sampling of all the materials and where we would 10 expect to find talc and where we found it based on 11 the polarized light studies. 12 Q. In other instances when you've provided 13 deposition testimony, you've indicated that 14 recommendation for blocks is based on the number of 15 -- on those slides that show the most birefringent 16 particles. Is that still true? 17 A. It's the most birefringent particles and 18 also a distribution of material, of locations where 19 there is birefringent particles. And if there's not 20 birefringent particles, we will sometimes expand 21 based on distribution. The last case was an example 22 where we didn't have them on polarized light. 23 Q. Do you recall if you went over or 24 re-reviewed the slides by PLM that are reported here 25 by Dr. McDonald for Ms. Judkins?	Page 182 1 together. 2 And then we'll, you know, make a final 3 decision on that because sometimes the request 4 doesn't come out the same as this for whatever 5 reason. But in this case and ones we've done so 6 far, I think they were the same. 7 Q. In a case like this -- if you don't recall 8 specifically as to Ms. Judkins -- how long does the 9 process take to review the slides, this number of 10 slides, for birefringent particles and then make the 11 request for the blocks? 12 A. Well, this wouldn't -- this one took about 13 10 and a half hours, 11 hours. 14 Q. You're looking at your invoice? 15 A. Yeah. 16 Q. Is that a typical amount of time -- 17 A. Yeah. 18 Q. -- for the PLM review? 19 A. Yeah. We're looking at the slides, 20 comparing that to the pathology report. And, yeah, 21 ten hours is not unusual. 22 Q. With regard to the birefringent particles 23 you identify using PLM, again, you cannot say what 24 those are, other than they are birefringent; 25 correct?
Page 183 1 A. I would assume I did because I usually do 2 that. I don't have a specific memory of doing that. 3 Q. If you can explain for me the process. As 4 you are looking through the slides for birefringent 5 particles but you're not recording the particle 6 numbers, how at the end of the process do you 7 remember which slides had the most birefringent 8 particles? 9 A. We take pictures, and I'm sure we had the 10 pictures in Dropbox. 11 Q. So you would -- after -- let me start over 12 again. 13 At the -- as you're doing this, counting 14 the birefringent particles, you're doing this 15 looking at the slides under the microscope. But 16 you're also taking a picture of what you're looking 17 at. 18 A. Yeah. 19 Q. Then the idea would be to go back and look 20 at the photos. And from the photos, you're making 21 the requests for the blocks? 22 A. Yeah. That's made interactively, or that's 23 made as Dr. McDonald may be looking at them. We'll 24 often then sit together. She'll show me the 25 pictures she took. We'll look at the slides	Page 185 1 A. They are birefringent. 2 Q. Did you attempt in Ms. Judkins' case to 3 correlate the findings by polarized light microscopy 4 with the number of particles identified by SEM/EDS? 5 A. Yes. We don't do that specifically. We 6 sort of do it, you know, looking back at the 7 pictures. We write the report, selecting pictures 8 to demonstrate the birefringent particles, as well 9 as to demonstrate the findings by SEM. 10 Q. But at a case-specific level, in particular 11 Ms. Judkins' case, you had not done in the paper -- 12 A. We're not quantifying. 13 Q. You're not quantifying. 14 A. No. 15 Q. The next document I want to mark is the 16 chain of custody documents we received for 17 Ms. Judkins. 18 MR. HEGARTY: We're going to mark the 19 chain of custody documents. I believe we're at 20 Exhibit 23. 21 (Chain of custody documents for Judkins 22 case, Exhibit 23, marked) 23 Q. I marked as Exhibit No. 23 the chain of 24 custody documents that we were provided for the 25 Judkins case. Would you first find, Dr. Godleski,

<p style="text-align: right;">Page 186</p> <p>1 the beginning of the chain of custody for release of 2 the material dated March 23, 2021 with the facility 3 being Dartmouth-Hitchcock Medical Center?</p> <p>4 Did you find the document that has at the 5 top "Dartmouth-Hitchcock Medical Center," the 6 contact name Christine Erickson? This is the first 7 page that I'm looking for.</p> <p>8 A. Okay. Yeah.</p> <p>9 Q. Tell me when you're on that page.</p> <p>10 A. I am.</p> <p>11 Q. That part of the chain of custody form at 12 the top doesn't list the material that was released; 13 correct?</p> <p>14 A. It does not.</p> <p>15 Q. If we look below the start of the chain of 16 custody document to the receiving party, it notes 17 the receiving party was Steelgate Inc. in Bradenton, 18 Florida; correct?</p> <p>19 A. Yeah.</p> <p>20 Q. Near that -- near the top of the document, 21 do you see where someone has written "Releaser did 22 not return CoC document with specimen" with the 23 initials MH, 3/23/2021?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know what that is referring to?</p>	<p style="text-align: right;">Page 188</p> <p>1 when you can find that page.</p> <p>2 A. Okay. Yeah.</p> <p>3 Q. Are you there?</p> <p>4 A. Yes.</p> <p>5 Q. That shows that on March 25, 2021, 6 Steelgate sent out 31 stained slides for Patient SP, 7 dash, 16, dash, 53498, releasing person Mike 8 Hartmann, witnessed by someone by the name of -- 9 first name Cearra, C-e-a-r-r-a, on March 25, 2021 at 10 4 p.m. Do you see that?</p> <p>11 A. Yeah.</p> <p>12 Q. The recipient entry below that is your home 13 address; correct?</p> <p>14 A. Some of it's Dr. McDonald.</p> <p>15 Q. Before -- I said the address listed, "304" 16 --</p> <p>17 A. That's my address.</p> <p>18 Q. That's your home address?</p> <p>19 A. Yeah.</p> <p>20 Q. Whose handwriting is where the address is 21 listed and the contact name and the contact phone?</p> <p>22 A. I'm not sure. May be Ben Corascos 23 (verbatim).</p> <p>24 Q. Ben Corascos also works for you?</p> <p>25 A. He works for me. He -- yeah.</p>
<p style="text-align: right;">Page 187</p> <p>1 A. Evidently, Dartmouth-Hitchcock Medical 2 Center didn't fill out the form. They just took the 3 form that was sent to them by somebody and sent the 4 material. So it's commenting on the above not being 5 filled in.</p> <p>6 Q. The --</p> <p>7 A. And it looks like this Mike Hartmann is -- 8 MH are the initials.</p> <p>9 Q. It shows at least Steelgate received 31 10 stained slides for patient SP, dash -- looks like -- 11 16 or 10, dash, 53498; is that correct?</p> <p>12 A. Yeah.</p> <p>13 Q. I think that's 16. 16. It was received on 14 March 23, 2021, time of 1:33 p.m.; correct?</p> <p>15 A. Yeah.</p> <p>16 Q. The witness -- the receiving person is, as 17 you mentioned, Mike Hartmann. And there's also the 18 name of someone listed as the witness who also -- 19 who witnessed it, 1:54 p.m., March 23, 2021; 20 correct?</p> <p>21 A. Yeah.</p> <p>22 Q. Please turn to the next document, which is 23 page 2 of 3. The first one we looked at was page 1 24 of 3. This should be page 2 of 3 at the top showing 25 Steelgate releasing the material. Please tell me</p>	<p style="text-align: right;">Page 189</p> <p>1 Q. Then the reference to the 31 stained 2 slides, whose handwriting is that?</p> <p>3 A. Dr. McDonald.</p> <p>4 Q. This part of the document reports receiving 5 -- the receiving person was Sandra McDonald; 6 correct?</p> <p>7 A. Yeah.</p> <p>8 Q. Dated March 26, 2021; right?</p> <p>9 A. Yeah.</p> <p>10 Q. Then a witness is -- that's your signature?</p> <p>11 A. That's me.</p> <p>12 Q. Dated June, looks like -- is that June 29, 13 2021?</p> <p>14 A. Looks that way.</p> <p>15 Q. Do you know why there's a three-month 16 difference in the witnessing date versus the receipt 17 date?</p> <p>18 A. No.</p> <p>19 Q. Turn next to page 3 of 3 of Exhibit 23. 20 Please tell me when you're there. Are you there, 21 Doctor?</p> <p>22 A. Where do you want to be?</p> <p>23 Q. Page 3 of 3 at the bottom where your 24 facility is the releasing party.</p> <p>25 A. Okay.</p>

1 Q. Are you there? Are you at that page? 2 A. Blocks. Oh, here's -- yeah. We're 3 releasing. Yeah. Okay. Is this the one with the 4 line in it? 5 Q. This is the one. Maybe yours has a line in 6 it, but it has at the top your name, "John 7 Godleski." 8 MR. DEARING: No. That's not the page. 9 It's page 3 of 3. 10 Q. 3 of 3, yes. Page 3 of 3 at the bottom. 11 A. 3 of 3. Okay. 12 Q. Okay. So do you see that the releasing 13 entity is John Godleski at the top? 14 A. Yeah. 15 Q. 31 histologic stained slides for S1653498 16 and eight paraffin blocks, SP16, dash, 53498: A2, 17 A6, D7, E1, E2, G2, G5, G6. Do you see that? 18 A. Yeah. 19 Q. Then the person releasing is Sandra 20 McDonald, June 29, 2021. Is that her handwriting 21 all the way above your signature? 22 A. Yes. 23 Q. And you're witnessing the release of that 24 material June 29, 2021 by your signature at 1:55 25 p.m.; correct?	Page 190 1 A. Yeah. 2 Q. Shows a releasing date, again, of March 19, 3 2021; correct? 4 MR. DEARING: May 19th. 5 MR. HEGARTY: May 19th. I'm sorry. I 6 said "March 19." May 19, 2021. 7 A. Right. 8 Q. Then the entry below that for the recipient 9 shows your name with your home address; correct? 10 A. That's correct. 11 Q. Whose handwriting is that? 12 A. That's mine. 13 Q. And it shows receipt of eight blocks, SP16, 14 dash, 53498, A2, D6, D7, E1, E2, G2, G5, G6; 15 correct? 16 A. Correct. 17 Q. You are noted as the receiving party. Is 18 that your signature and handwriting? 19 A. Yes. 20 Q. You received it May 20, 2021; correct? 21 A. Correct. 22 Q. Who signed for the witness? 23 A. Jose Guandalini. 24 Q. Who is Jose Guandalini? 25 A. He cleans our house. And I opened the door
Page 191 1 A. That's correct. 2 Q. That appears to be the same date we looked 3 at earlier where you witnessed the receipt. 4 A. Looks like I signed the wrong one and then 5 signed this one too. 6 Q. This, again, is showing a -- doesn't show 7 the -- so far, we haven't seen a chain of custody 8 for the blocks; right? 9 A. Well, we're releasing them. But the chain 10 of custody for the blocks is back on mine on the 11 very first page. 12 Q. Right. So let's look -- let's go to that 13 next set of chain of custody documents. The first 14 one I want start with is dated 5/19 or May 19, 2021. 15 A. Yeah. 16 Q. Are you there with me? 17 A. Yes. 18 Q. It's in handwriting, but it shows the 19 releasing entity to be Dartmouth-Hitchcock 20 Department of Pathology. Do you see that? 21 A. Right. 22 Q. It states that eight original tissue blocks 23 for SP, dash, 16, dash, 53498 were released. Those 24 tissue blocks are A2, D6, D7, E1, E2, G2, G5, and 25 G6; correct?	Page 193 1 and got this package and opened it, looked at it. 2 And he signed it as a witness that he was there. 3 Q. Turn to the next page. This has at the top 4 a date of June 29, 2021; is that correct? 5 A. Yes. 6 Q. This shows that you are the releasing 7 party. Is that in your handwriting? 8 A. Looks like Dr. McDonald's. 9 Q. It shows releasing of eight paraffin tissue 10 blocks, Patient SP16, dash, 53498. Tissue blocks 11 are A2, D6, D7, E1, E2, G2, G5, G6, and then the 31 12 histologic stained blocks -- correct -- stained 13 slides, I mean; correct? 14 A. Yes. 15 Q. Do you see that this is showing that -- the 16 release of the stains and blocks? But it's a 17 different releasing chain of custody document than 18 the one we looked at at page -- earlier in the 19 document. Do you see the differences? 20 A. Well, there's no difference except it's 21 filled in on a pre-filled-in page. And so it seems 22 like -- that we have two copies of the same thing. 23 Q. This is a document that I'm comparing it 24 to. Do you see -- do you remember looking at this 25 earlier document dated June 29, 2021 where you're

<p>1 releasing the 31 histologic slides and eight 2 paraffin tissue blocks? 3 A. Yeah. 6/29/21. 4 Q. Then -- 5 A. This is 6/29/21. 6 Q. Right. But do you see that the chain of 7 custody documents are different? 8 A. Well, I think this was when the -- one that 9 we had and probably shouldn't have bothered to send 10 because it doesn't -- it has this filled in from -- 11 with this date in March. But it's really not -- 12 neither the law firm nor anything else has anything 13 to do with this. This is really the one that's -- 14 we're doing. I don't know why there were two copies 15 of it. 16 Q. But are you seeing, as I am seeing, two 17 copies of a chain of custody of you releasing the 18 slides and the blocks on June 29, 2021? 19 A. Yeah. And I signed them as a witness 20 within five minutes of each other. So I think one 21 was -- I don't know why both were filled in. 22 Q. Okay. Then look at the next page. There's 23 a release by John Godleski, "Block trimmings in 24 eight" -- I can't read that word. This is the 25 document I'm looking at.</p>	<p>Page 194</p> <p>1 refers to the trimmings? 2 A. Just in -- no. This is a form we use when 3 we don't have any other forms. And we may have sent 4 them all out, and so we were using this form to send 5 the trimmings. And I'm not sure why it got -- all 6 these blocks got listed, because we'd already sent 7 out the blocks. 8 Q. That was going to be my next question. The 9 chart that we're -- 10 A. This doesn't have any date on it, but it 11 usually goes with this one. So it would have been 12 the 18th, 19th. 13 Q. The chart we're looking at, does it appear 14 to be referring to the blocks rather than the 15 trimmings? 16 A. Probably the trimmings because we have all 17 the blocks listed here as well on -- of what the 18 trimmings were. 19 Q. Right. In the page that has August 19, 20 2021, not only do you list block trimmings, but you 21 also list blocks. Is that meant to refer to the 22 block trimmings from the blocks? 23 A. Block trimmings in eight glassine 24 envelopes. No. Block trimmings. Doesn't say "the 25 block." Just says what blocks were trimmed.</p>
<p>1 A. Okay. 2 Q. If you can go to that document. 3 A. Okay. 4 Q. In Exhibit 23, it's the page that's dated 5 August 19, 2021. 6 A. Right. 7 Q. What is this document we're looking at? 8 A. Okay. Somewhere along the line, you or 9 your colleagues decided that they wanted all the 10 trimmings from when we trim the block. And so we 11 put the trimmings in these glassine envelopes and 12 sent them to you. 13 Q. This was sent August 19, 2021? 14 A. Right. And either somebody asked for them, 15 or we forgot that they were in the file with this. 16 But anyway, they got sent. 17 Q. There's a page behind that -- I don't know. 18 Is that included on yours? 19 A. It's in front. 20 Q. It's in front. This looks like a chart 21 that has "chain of custody," dash, "pathology 22 materials" at the top. What is this document? 23 A. This is a form that we have that -- it 24 usually goes with this one. 25 Q. You're pointing to the one that is --</p>	<p>Page 195</p> <p>1 Q. Okay. That was my question. Is the 2 listing of the blocks meant to refer to what blocks 3 had trimmings? 4 A. Yes. What are the -- what's the label of 5 the trimmings. 6 Q. As to this last chart we've been talking 7 about, do you know which of the chain of custody 8 documents this one is tied to? 9 A. That goes with this one. 10 Q. Goes with the one we just talked about 11 dated August 19, 2021? 12 A. Yeah. Yeah. Those two are usually 13 together. 14 Q. The next document that I want to show you 15 with regard to the pathology material for 16 Ms. Judkins I'm marking as Exhibit No. 24. 17 (March 30, 2021 letter, Exhibit 24, 18 marked) 19 Q. Tell me what Exhibit No. 24 is, 20 Dr. Godleski. 21 A. This is that letter template that I wrote 22 where the firm is able to just put in the requested 23 block numbers. 24 Q. So this is you making a request to 25 Dartmouth-Hitchcock Medical Center for the blocks</p>

1 listed at the end of the first paragraph? 2 A. Yes. 3 Q. And that letter is dated March 30, 2021? 4 A. Yes. 5 Q. And we looked at earlier the chain of 6 custody form where they are forwarding you -- that 7 is, Dartmouth-Hitchcock -- the blocks you requested; 8 correct? 9 A. That's right. And so this went out the day 10 after my e-mail requesting blocks from the billing. 11 Q. So there is an invoice -- going back to 12 your invoice where it says "e-mail requesting 13 blocks," again, as I mentioned earlier -- 14 A. It gets translated into this. 15 Q. So is the -- is your reference on the 16 invoice to e-mail actually a reference to the letter 17 dated March 30, 2021? 18 A. No. It's an e-mail that requested those 19 blocks. And then the firm sends out this -- they 20 put this into this letter that I wrote, this template that I wrote, and send it. 22 Q. So what they do is -- let me start over 23 again. 24 Does the law firm fill in the recipient, 25 the RE line, and the block line and the date and	Page 198 1 found the e-mail. Procedurally, he e-mailed me. I 2 let Blasingame know which blocks to order. That's 3 how it works. 4 MR. HEGARTY: Okay. Great. Thank you. 5 If you could produce the e-mail, that would be 6 great. 7 MR. DEARING: I just found it. 8 A. But I wrote this template explaining to the 9 pathology department what we're going to do with the 10 blocks. 11 Q. The template originated with you? 12 A. Yes. Yes. So the date gets changed. The 13 case is added. The blocks are added. 14 Q. Let's next mark as part of the Judkins case 15 your expert report. We'll mark your expert report 16 for Ms. Judkins as Exhibit 25, I believe. It's a 17 thicker document because you included with your 18 expert report your CV and list of cases where you've 19 testified. 20 A. Right. 21 (June 18, 2021 expert report for Judkins 22 case, Exhibit 25, marked) 23 Q. With the marking of your expert report for 24 Ms. Judkins dated June 18, 2021, do we appear to 25 have marked everything you provided from your
1 then have your signature on file? 2 A. Yes. 3 Q. So this particular firm -- Blasingame, 4 Burch, Garrard & Ashley -- has a form letter that 5 they use when they get your e-mail requesting 6 blocks. 7 A. Yes. 8 Q. And Exhibit No. 24 is that form letter? 9 A. Yes. 10 Q. So there should be an e-mail to the law 11 firm where you're making the request for these 12 blocks? 13 A. Yes. 14 MR. DEARING: Can I correct that? 15 MR. HEGARTY: If you can, jump in. 16 MR. DEARING: He doesn't know. We have 17 the form letter. Because this is an MDL case 18 dealing with other firms, I share the form letter 19 very sparingly with this particular firm, since 20 they're their blocks. They're ordering them and 21 they're paying for them and everything else. So we 22 keep the form letter. It's not like we send this 23 around to everybody. 24 MR. HEGARTY: We're still in -- 25 MR. DEARING: I have the e-mail. I	Page 199 Page 201 1 analysis of Ms. Judkins' case? 2 A. I'm sorry? 3 Q. Sure. With the marking of Exhibit 25, your 4 expert report for Ms. Judkins, do we appear to have 5 marked all of the materials you would expect to have 6 generated and provided to us as part of your review 7 of Ms. Judkins' case? 8 A. Yes. 9 Q. As far as your expert report of June 18, 10 2021, did anyone else assist you in its drafting? 11 A. If anyone did, it would have been 12 Dr. McDonald and Fan. 13 Q. With regard to the review of slides by 14 polarized light microscopy, the only assistance you 15 had was with Dr. McDonald; correct? 16 A. Yes. 17 Q. With regard to the SEM/EDS work, the 18 assistance you had there was by Dr. Fan? 19 A. Yes. 20 Q. Did anyone else assist you with that part 21 of the work? 22 A. No. 23 Q. And as far as the breakdown of the EDS -- 24 I'm sorry -- the SEM/EDS work between you and 25 Dr. Fan, in a typical case, how does that breakdown

Page 202 1 go? 2 A. He uses the -- a lab that he's director of. 3 He's a salaried employee of my company. And 4 sometimes, I'll go in and meet with him, overlook 5 what he's doing. But he's a very -- very much an 6 expert in SEM/EDX and has a lot of experience in 7 this. So he does more and more of it on his own. 8 Q. And I think I've been saying "SEM/EDS." Is 9 it "EDX"? 10 A. EDS or EDX. They're the same. 11 Q. Either one is the same? 12 A. Yeah. 13 Q. In the case of Ms. Judkins, did you do any 14 of the SEM/EDX analysis of the particles? 15 A. Not that I recall. I don't think I did. 16 Q. Back in 2021, were you doing any of the 17 SEM/EDS work yourself? 18 A. I'm rarely doing anything of -- any of it 19 myself. I would stand over her shoulder or 20 Dr. McDonald's shoulder as they do it. 21 Q. Are you able to say with regard to 22 Ms. Judkins that you would have been standing over 23 their shoulder with -- 24 A. Of Dr. Fan? 25 Q. I'm sorry. Let me start over again.	Page 204 1 Q. When you say you usually do, does that mean 2 you don't always do it? 3 A. Well, sometimes, I'll flip through things 4 quickly. But for the most part, you know, I'm 5 looking at everything he does. So that's why often 6 -- almost always at the end, you'll see, you know, 7 10, 15 hours of report preparation. And that's what 8 I'm doing. You know, in order to write the report, 9 I check everything. 10 Q. That was going to be my next question. In 11 order to write your report where you had in great 12 detail the numbers of what you found, you would have 13 to have looked at all the images and spectrum; 14 correct? 15 A. Yes. Exactly. 16 Q. You are physically doing that yourself; is 17 that correct? 18 A. Yes. 19 Q. With regard to Ms. Judkins, do you know if 20 she's still living? 21 A. I don't know. 22 Q. Do you know where she resides? 23 A. No. 24 Q. What type of ovarian cancer did Ms. Judkins 25 have?
Page 203 1 With regard to Dr. Fan, are you able to say 2 that you would have been there each -- with each 3 analysis of a particle he did for Ms. Judkins by -- 4 A. No. 5 Q. -- SEM/EDX? 6 A. No. No. He does that independently. 7 Q. Is that true with regard to all the 8 analysis that he was doing in 2021? 9 A. Pretty much. 10 Q. So as to the two reports we looked at 11 previously for Ms. Gallardo and Ms. Newsome, you 12 would not have done yourself any of those SEM/EDS 13 analyses? 14 A. That's correct. 15 Q. You likely would not have been there as he 16 was doing them? 17 A. I may or may not have. 18 Q. Once those are done by Dr. Fan, where do 19 you take them? In other words, what do you do next? 20 Let me ask a different way. 21 After Dr. Fan does his work, does he send 22 you the images and the spectrum? 23 A. He puts everything in a Dropbox where I can 24 go over every bit of work that he's done, and I 25 usually do.	Page 205 1 A. She had serous carcinoma, poorly 2 differentiated serous. 3 Q. With regard to your June 18, 2021 report, 4 turning to the end of that report, is that your 5 signature? 6 A. Yes. 7 Q. As to Ms. Judkins, what were you asked to 8 do in her case? 9 A. Confirm her pathologic diagnosis and 10 confirm or determine presence of talc in her 11 tissues. 12 Q. At the time you started working on 13 Ms. Judkins' case, were you aware that she was a 14 plaintiff alleging ovarian cancer from talcum powder 15 use? 16 A. That's an interesting question because I 17 don't know that all of these are plaintiffs when -- 18 at the time that I'm seeing the case so that 19 sometimes I'm doing cases that are plaintiffs and 20 sometimes that are not. 21 You asked me that same question before, and 22 I've sort of been thinking about it and what the 23 proper answer is. It may not be, reflectively, yes. 24 Q. At a minimum, do you know that they are a 25 patient who is communicating or interacting with a

<p style="text-align: right;">Page 206</p> <p>1 lawyer where you assume that they are a patient who 2 has used talcum powder -- 3 A. Yes. 4 Q. -- because you're getting this material 5 from a lawyer representing Ms. -- the plaintiff? 6 A. Yes. 7 Q. I mean, the patient. 8 A. Yes. 9 Q. So the material -- when you started looking 10 at material for Ms. Judkins, you had received that 11 material through your contact with a lawyer? 12 A. Yes. But I don't know that she's a 13 plaintiff yet. 14 Q. When you write a report and when you wrote 15 a report for Ms. Judkins, did you know she was a 16 plaintiff in a lawsuit? 17 A. Probably because, usually, when we do a 18 report, that means that the case will go forward. 19 Q. Does your report for Ms. Judkins describe 20 all the -- all that you did in her case? 21 A. Yes. 22 Q. Does your report for Ms. Judkins contain 23 what you intend to testify about with regard to your 24 review of her case? 25 A. Yes.</p>	<p style="text-align: right;">Page 208</p> <p>1 A. That's right. 2 Q. Do you know if those are all the slides 3 that the -- that the hospital had available? 4 A. Yes. Because matching that -- when we say 5 "31 out of a possible 31 slides," that means we went 6 through the pathology report and rounded up how many 7 slides there should be and how many we received. 8 Q. Does your report or -- strike that. 9 Your report shows that you did or someone 10 on your behalf -- Dr. McDonald -- reviewed all 31 11 slides for birefringent material; correct? 12 A. That's correct. 13 Q. Again, we talked about the only 14 documentation of that review would be the 15 handwritten note and the photos of the -- from the 16 polarized light microscopy. 17 A. Correct. 18 Q. Looking at the path report, what tissue did 19 you review by SEM/EDS for Ms. Judkins? 20 A. Okay. So A2 is the fallopian tube or -- 21 no. Wait a minute. Yeah. Must be fallopian tube 22 because that's the only thing that was labeled A. 23 Q. Is that the right tube and ovary, according 24 to the pathology report? 25 A. Yeah. Right tube and ovary.</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. Was the methodology you used in the Judkins 2 case the same methodology you have used in prior 3 cases where you have either testified at trial or by 4 deposition? 5 A. Yes. 6 Q. Did you do anything different with regard 7 to Ms. Judkins' case than you had done in any prior 8 case where you've been designated and testified as 9 an expert? 10 A. No. 11 Q. Did you use the same polarized light 12 microscopy equipment and same SEM/EDS equipment as 13 you had done in previous cases? 14 A. Yes. 15 Q. In Ms. Judkins' case, you did not do Raman 16 spectroscopy; correct? 17 A. Correct. 18 Q. Turning to page 2 of your report for 19 Ms. Judkins. The second or the first full 20 paragraph, you report at the top that you reviewed 21 31 out of a possible 31 slides; correct? 22 A. Correct. 23 Q. Those are the slides we talked about you 24 receiving through the chain of custody documents we 25 looked at; right?</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. Are you able to tell by the A being 2 designated as 2 whether that was the tube or that 3 was ovarian tissue? 4 A. It's fallopian tube because one is frozen 5 section remnant, and we generally don't look at 6 that. 7 Q. In fact, on the specimen processing, 8 there's a reference to 2 being fallopian tube. 9 A. 2 being fallopian tube. 10 Q. You're looking at the designation of A in 11 the section "processing," 2, fallopian tube? 12 A. Yeah. 13 Q. Okay. Thank you. Please continue as far 14 as what you did review. 15 A. Okay. Then D is right pelvic lymph nodes, 16 and D6 and D7 are lymph nodes from the right pelvic 17 lymph node group. E1 and 2 are right para-aortic 18 lymph nodes, and then G is the uterus and left tube 19 and ovary. And let me see. G2 is the cervix. G5 20 is the left ovary, and G6 is the left fallopian 21 tube. 22 Q. Which of that tissue had tumor in it, if 23 any? 24 A. I believe the right fallopian tube and 25 ovary.</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. There was no tumor in the left tube or 2 ovary; correct? 3 A. I believe not. 4 Q. Other than Exhibit 21, the pathology report 5 for Ms. Judkins, did you review any other documents? 6 A. No. 7 Q. How would you have received the pathology 8 report for Ms. Judkins? 9 A. With the slides. 10 Q. Does the chain of custody form list the 11 pathology report when it comes with one? 12 A. Usually not, but a pathology department 13 would never send out slides or blocks without the 14 report, because you need that to know the keys. 15 Q. Did you request any additional information 16 from anyone with regard to your review of 17 Ms. Judkins' case? 18 A. No. 19 Q. Did you request any additional medical 20 records or other documents related to Ms. Judkins' 21 case? 22 A. No. 23 Q. Did you agree with the findings in the 24 pathology report as to the diagnoses? 25 A. Yes.</p>	<p style="text-align: right;">Page 212</p> <p>1 correct? 2 A. No. Granulomas are formed with the large 3 particles. These are small particles. 4 Q. You also did not identify any foreign-body 5 giant cell reaction; correct? 6 A. That's correct. Respond to big particles. 7 Q. If you had seen either one, you would have 8 reported it on your report? 9 A. Yes. 10 Q. Did you report finding any tissue response 11 to any particles in Ms. Judkins' case, anything such 12 as inflammation, particles in macrophages, things 13 along those lines that you reported about in other 14 reports? 15 A. In these pictures, the particles appear to 16 be in cells in lymph nodes. But they're just single 17 particles. But they do appear to be in -- within 18 macrophages. 19 Q. Do you report the particles -- let me back 20 up. 21 Are you referring to the pictures in 22 Figure 1? 23 A. Yes. 24 Q. Do you make reference in the description of 25 Figure 1 or anywhere else in your report to the</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. As you mentioned earlier, she had poorly 2 differentiated serous carcinoma? 3 A. That's correct. 4 Q. Was there any part of the pathology report 5 with which you disagreed? 6 A. No. 7 Q. Who is the pathologist who reviewed 8 Ms. Judkins' pathology materials? 9 A. William A. Parks. 10 Q. Do you know him? 11 A. No. 12 Q. Have you ever been to the lab where 13 Ms. Judkins' pathology material was processed and 14 reviewed? 15 A. No. 16 Q. Do you have any personal knowledge of the 17 processes employed at the Dartmouth-Hitchcock lab to 18 handle and process Ms. Judkins' tissues? 19 A. I'm sorry? 20 Q. Do you have any personal knowledge of the 21 processes employed at the Dartmouth-Hitchcock lab to 22 handle and process Ms. Judkins' tissues? 23 A. No. 24 Q. Your report for Ms. Judkins does not 25 identify you finding any granulomatous reaction;</p>	<p style="text-align: right;">Page 213</p> <p>1 birefringent particles being in macrophages? 2 A. I only say that they're in the plane of 3 focus with the tissues. 4 Q. We saw in earlier reports where you 5 specifically identified where you saw cells -- I'm 6 sorry -- particles in macrophages. Do you recall 7 talking about that? 8 A. Yes. 9 Q. You did not do so in this report, though; 10 correct? 11 A. No. These are single particles that could 12 well be in macrophages but -- and I suspect they 13 are. But I can't say that with certainty. 14 Q. That was going to be my next question. Can 15 you say to a reasonable degree of medical certainty 16 that the birefringent particles we're looking at in 17 Figure No. 1 are in macrophages? 18 A. Yeah. But -- yeah. That's more than 50 19 percent. So that, yes, I can say with more than 50 20 percent they are more likely to be in macrophages. 21 And the pictures suggest they might be, but I can't 22 be really certain. 23 Q. Describe for us on the record how the 24 pictures suggest that they may be in macrophages. 25 A. Well, as you look at it, there's a slightly</p>

<p style="text-align: right;">Page 214</p> <p>1 bigger nucleus than the surrounding lymphocytes. 2 And you can see in this picture a small extension of 3 cytoplasm around here. So I would interpret that 4 one to be in cytoplasm of that macrophage. 5 This one is a little less clear. It seems 6 like there may be a lymphatic channel right next to 7 it, and it's sort of just coming out of it. But I 8 can't say that it's either in the cytoplasm of any 9 one of those macrophages or those cells next to it.</p> <p>10 Q. What is -- the tissue we're looking at in 11 Figure No. 1, the top left is ovarian tissue; is 12 that correct?</p> <p>13 A. In the top two pictures are the ovarian 14 tumor.</p> <p>15 Q. The bottom two are cellular stroma of the 16 left ovary where there was no tumor; correct?</p> <p>17 A. That's correct. And the other is a lymph 18 node.</p> <p>19 Q. Right. The bottom left is the left ovary, 20 and the bottom right is the pelvic lymph node.</p> <p>21 A. Right.</p> <p>22 Q. Right pelvic lymph node, there was no tumor 23 there either; correct?</p> <p>24 A. There was no tumor, and that's where I'm 25 seeing the macrophage. In the one on the left at</p>	<p style="text-align: right;">Page 216</p> <p>1 the Dropbox you provided to us? Let me ask -- 2 A. The size of the particles? 3 Q. The size of the particles would be as shown 4 in the images. 5 A. In Figure 1? 6 Q. I'm just talking generally. The size of 7 the particles you identified in Ms. Judkins' case 8 could be determined by looking at the images you 9 provided to us?</p> <p>10 A. Exactly.</p> <p>11 Q. You did not separately record those on some 12 other document?</p> <p>13 A. No.</p> <p>14 Q. Sitting here today, without looking them 15 over, you couldn't tell me the range of particle 16 sizes?</p> <p>17 A. No. But looking at the lower picture of 18 Figure 1 where there are actually a few red cells in 19 there -- and we know a red cell is 7 microns, and 20 this particle is really a fraction of the size of a 21 red cell. So it looks like it's maybe 1 or 2 22 microns.</p> <p>23 Q. Looking over at page 3 of your report. You 24 note at the bottom that you found a total of 17 non- 25 fibrous talc particles; correct?</p>
<p style="text-align: right;">Page 215</p> <p>1 the bottom, you know, I can't say that any of those 2 cells are macrophages. And this open space nearby 3 looks like a lymphatic within the ovary, which is 4 not uncommon to see.</p> <p>5 Q. You agree, though, that in your report 6 itself, you don't identify the particles we're 7 looking at in Figure 1 as particles in macrophages?</p> <p>8 A. That's correct. Because in one case, it 9 looks like it's just outside of a lymphatic vessel; 10 and in the other, it arguably is in a macrophage.</p> <p>11 Q. With regard to the couple of birefringent 12 particles shown in Figure No. 1, you're not calling 13 those as of yet talcum powder; correct?</p> <p>14 A. We're calling it birefringent particles.</p> <p>15 Q. As to the particles we're looking at in 16 Figure No. 1, you don't know when they came to be in 17 Ms. Judkins' tissues; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. You don't know the source of the 20 birefringent particles you're showing in Figure 21 No. 1; correct?</p> <p>22 A. That's correct.</p> <p>23 Q. With regard to the particle size that you 24 reviewed over the course of looking at Ms. Judkins' 25 tissues, those would be reflected in the images in</p>	<p style="text-align: right;">Page 217</p> <p>1 A. That's correct.</p> <p>2 Q. You note that those were found in or -- 3 your paragraph -- let me start over again. 4 Your paragraph indicates that those were 5 found in three blocks; correct? Those would be G5, 6 G2, and D6; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. So those are three of the eight blocks that 9 you looked at; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. So the other five blocks, you didn't find 12 any talcum powder particles; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Of the particles that you are calling talc 15 by SEM/EDX, you cannot match those with any of the 16 birefringent particles you identified by PLM; 17 correct?</p> <p>18 A. They're two different planes.</p> <p>19 Q. Again, in Ms. Judkins' case, you did not 20 find any particle you characterized as a talc fiber; 21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. You did not find any particle you 24 characterized as an asbestos fragment or fiber; 25 correct?</p>

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1 A. That's correct.	1 A. Correct.
2 Q. And in Ms. Judkins' case, you were looking 3 for either -- you were looking for talc, talc 4 fibers, asbestos, or asbestos fibers; correct?	2 Q. How long it took you to analyze those 3 particles would be reflected in the invoice we 4 talked about; correct?
5 A. Yes.	5 A. Yeah.
6 Q. Turning to Figure 3 in your report. You 7 make reference to Spectrum Images 608 and 834; 8 correct?	6 Q. You provided to us via the Dropbox all the 7 images and spectrum of those 932 particles; correct?
9 A. Yes.	8 A. Correct.
10 Q. The Spectrum 608 is of the left ovarian 11 tissue; is that correct?	9 Q. How many of those 932 particles are you 10 calling exogenous particles, that is, particles that 11 you believe originated outside of the body?
12 A. Right. That's correct.	12 A. 272.
13 Q. And the Spectrum 834 is of cervical tissue; 14 correct?	13 Q. Of those 272, as you list in your report, 14 246 are a combination of metals and/or silicon 15 and/or nonmetallic elements; correct?
15 A. That's correct.	16 A. That's correct.
16 Q. With regard to Ms. Judkins, do you have any 17 information with respect to the extent -- that is, 18 the volume, duration, frequency -- of her use of any 19 talcum powder products?	17 Q. From our review of the spectrums of the 18 particles you provided, they include spectrums for 19 bismuth. What is bismuth?
20 A. I don't know that.	20 A. I'm sorry?
21 Q. In particular, do you know the extent of 22 her use of talcum powder products such as -- let me 23 start over again.	21 Q. Bismuth, b-i-s-m-u-t-h. Am I not saying it 22 right? Bismuth?
24 In particular, do you know the extent of 25 her use of any products that might contain talc,	23 A. Bismuth? It's an element, not very common. 24 It's in some, like, rubs and things like that 25 sometimes. But otherwise, it's pretty uncommon.
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1 such as soaps or douches, or her exposure to paper 2 that might contain talc?	1 Q. Pretty uncommon of a finding by your 2 technique?
3 A. No.	3 A. Yes.
4 Q. As to Ms. Judkins, as with the other 5 plaintiffs we talked about, you don't know the 6 extent of her use of Johnson's Baby Powder or Shower 7 to Shower?	4 Q. Your spectrum also show a finding of 5 bromine. Is that a common or uncommon finding?
8 A. That's correct.	6 A. Bromine is common because it, you know, 7 it's a halogen. So it's an anion, and so you got 8 bromates and things like that. And they can appear 9 in a lot of materials.
9 Q. Or any other type of body powder.	10 Q. What's an example of a material where 11 bromates appear?
10 A. That's correct.	12 A. I can't think of one.
11 Q. In Ms. Judkins' case, you don't know the 12 extent of any background exposures she might have 13 had to talcum powder; correct?	13 Q. Your spectrum also referred to a material 14 called neodymium, n-e-o-d-y-m-i-u-m. Do you know 15 what that is?
14 A. That's correct.	16 A. No. It's an element, but I have no idea 17 where you find it.
15 Q. As to the particles you're calling talc in 16 Ms. Judkins' tissue, you don't know when they came 17 to be in her tissue, other than you believe it was 18 prior to the tissues' removal; correct?	18 Q. There's also listed in your spectrum 19 something called technetium, t-e --
19 A. Correct.	20 A. Technetium.
20 Q. You can't identify the source of the talc 21 you identified in Ms. Judkins' tissue; correct?	21 Q. T-e-c-h-n-e-t-i-u-m.
22 A. Correct.	22 A. Technetium is -- it's actually a
23 Q. Looking at page 4 of your report, you 24 identified in Ms. Judkins' case a total of 932 25 particles; correct?	23 radioactive material. And it's very frequently used 24 as a tracer in radiographic materials -- studies. 25 So that's not a surprising one to find.

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<p>1 Q. The other materials that are reflected in 2 the spectrum provided include aluminum, titanium, 3 zinc, zirconium, chromium, and boron. Are those 4 materials you commonly see when you're reviewing 5 reproductive tract tissues using SEM/EDX?</p> <p>6 A. Aluminum silicate is sand. So you always 7 have some of that. Zirconium is in a lot of 8 deodorants. So that's not uncommon.</p> <p>9 Q. How about zinc?</p> <p>10 A. Zinc is also very common. It's a 11 supplement that a lot of people take for various 12 reasons so that you actually have a fair amount of 13 circulating zinc.</p> <p>14 Q. How about boron?</p> <p>15 A. Boron, again, is a -- it's usually in the 16 form of borate or, like, boric acid, that sort of 17 thing so that -- it's used medicinally sometimes but 18 kind of rare.</p> <p>19 Q. Do you know of any sources of chromium that 20 Ms. Judkins may have been exposed to?</p> <p>21 A. No.</p> <p>22 Q. As to these other materials that the 23 spectrum indicate, do you know how they came to be 24 in Ms. Judkins' tissues?</p> <p>25 A. Well, some of them we've kind of talked</p>	<p>1 A. No. Only our studies.</p> <p>2 Q. Looking at the last paragraph of your 3 report, which is on page 5, do you intend to testify 4 as reflected in that paragraph with regard to your 5 findings of talc as contributory evidence for a 6 causal link between the presence of talc and the 7 development of this patient's ovarian cancer the 8 same as you have done in the other cases where 9 you've testified at deposition or trial?</p> <p>10 A. That's correct.</p> <p>11 Q. Do you intend to do anything different with 12 regard to Ms. Judkins' case than you have done in 13 other cases where you have testified in cases 14 involving a patient whose tissue you have looked at 15 for talc or other particles?</p> <p>16 A. No.</p> <p>17 MR. HEGARTY: David, do you have any 18 questions in follow-up to my questions as relates to 19 Ms. Judkins?</p> <p>20 MR. DEARING: I do not. Actually, yes, 21 I did. I'm sorry.</p> <p>22 MR. HEGARTY: Go ahead.</p> <p>23 EXAMINATION</p> <p>24 BY MR. DEARING:</p> <p>25 Q. You've been asked several times whether you</p>
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<p>1 about where you could presumably get them as either 2 tracers or from surface applications, deodorants, 3 and other materials.</p> <p>4 Q. With regard to Ms. Judkins' case, you did 5 not attempt to identify by EDS/SEM every particle 6 that was in her tissues; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. With regard to talc, you identify the 9 number of talc particles. Then you use the Roggeli 10 paper to estimate what the total volume would be per 11 gram of tissue.</p> <p>12 A. Yeah.</p> <p>13 Q. And with regard to the finding of -- make 14 sure I get this right.</p> <p>15 With regard to the finding in Ms. Judkins 16 of poorly differentiated serous carcinoma of the 17 ovary, are you aware of any studies that have been 18 done that have correlated the risk of that disease 19 with the number of particles found in reproductive 20 tract tissue?</p> <p>21 A. No.</p> <p>22 Q. Are you aware of any studies that have 23 looked at determining the background of any -- of 24 talc particles in women diagnosed with poorly 25 differentiated serous carcinoma of the ovary?</p>	<p>1 have any opinions about the source of the talc that 2 you found. And I know you can't say that it's 3 specifically one brand of talc or anything like 4 that. But because of the way the question was 5 worded, I want to ask a follow-up question.</p> <p>6 You testified that you're aware that these 7 women whose tissue you're studying have used 8 Johnson's baby powder for feminine hygiene in the 9 genital area; right?</p> <p>10 A. Yes.</p> <p>11 Q. Based on your knowledge of that exposure, 12 do you have any opinion about whether that exposure 13 might be the source of the talc you're finding?</p> <p>14 MR. HEGARTY: Objection to the form.</p> <p>15 A. I believe it to be very likely based on the 16 fact that, for example, in the Johnson paper that we 17 wrote where we looked at size and shape of the talc 18 that was identified and compared that to a series of 19 patients where we were looking for talc, we found 20 those to be very similar in size and shape. And so 21 that being said, that would be the basis of 22 concluding that it would be very likely.</p> <p>23 Q. And with regard to Ms. Gallardo and 24 Ms. Newsome, would you also say, based on what you 25 know about Johnson's Baby Powder and the presence of</p>

1 tremolite asbestos in that baby powder, that their 2 genital use of Johnson's Baby Powder -- do you have 3 any opinions about whether that use is a source of 4 the tremolite that you found? 5 MR. HEGARTY: Objection to the form. 6 A. More likely than not, it's the source of 7 the tremolite that was identified. 8 MR. DEARING: Thank you. 9 MR. HEGARTY: Couple of follow-up 10 questions with regard to Ms. Judkins and Johnson's 11 Baby Powder, Shower to Shower being the source of 12 the talc you found. 13 EXAMINATION 14 BY MR. HEGARTY: 15 Q. As you mentioned earlier, the only 16 information you have that Ms. Judkins used Johnson's 17 Baby Powder and/or Shower to Shower would have come 18 from her attorneys; correct? 19 A. That's correct. 20 Q. You did not review any testimony she has 21 given or any other documentation that reports on the 22 nature, frequency, duration of her use of any 23 Johnson's Baby Powder or Shower to Shower or any 24 other body powder; correct? 25 A. That's correct.	Page 226 1 A. Again, you know, if one particle or fiber 2 can represent hundreds in the tissue per gram, if we 3 have more than one, it -- you could do the math to 4 determine what the number might be expected to be. 5 Q. And that number, if you're taking the -- 6 using the Roggli formula, is what you believe 7 reflects extensive frequency and duration of use by 8 the patient whose tissue you're looking at. 9 A. Yes. It's indicating more than one use. 10 Q. Have you done, any of your studies, any 11 correlation between -- to determine the duration and 12 frequency of use based -- as it relates to the 13 number of particles you're seeing in their tissue? 14 Have you tried to correlate that? 15 A. No. 16 MR. HEGARTY: Let's go ahead and go off 17 the record. 18 (A break was taken) 19 MR. HEGARTY: Back on the record. I've 20 talked with Mr. Dearing and Dr. Godleski, and 21 Dr. Godleski feels like he or -- wants to stop for 22 today because of the length of the day; and it's 23 wearing on him. 24 So we're going to go ahead and stop the 25 deposition or -- for today to continue tomorrow at 9
1 Q. When you answered the question for 2 Mr. Dearing, your assumption as far as Johnson's 3 Baby Powder, Shower to Shower, or other talcum body 4 powder being the source of the talc was that this 5 was a user of those products to a great extent. Is 6 that a fair statement? 7 A. That's correct. 8 Q. If all you knew, they had used it one time 9 in the perineal area, your testimony would not be 10 that what you looked at -- that that one use was a 11 likely source of the talc you found; correct? 12 MR. DEARING: Objection to form. 13 A. I really feel that if it was a one-use 14 event, we wouldn't be here talking about it. 15 Q. Your assumption is, when you're looking at 16 a case like Ms. Judkins, is that there was years and 17 years, an extent -- put another way -- extensive 18 duration and frequency of talcum powder use in the 19 perineal area; correct? 20 A. Yes. To get the numbers of particles that 21 we're seeing in the tissue in a single plane of 22 focus of the material that we're looking at, there 23 has to be a lot there. 24 Q. When you say "a lot," you're talking about 25 a lot of talcum powder?	Page 227 1 a.m. Please feel free jump in if you need to. 2 MR. DEARING: No. That's fine. 3 MR. HEGARTY: We're off the record this 4 evening, and we'll pick up at 9 a.m. in the morning. 5 (Deposition suspended at 4:27 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

<p style="text-align: right;">Page 230</p> <p>1 REPORTER'S CERTIFICATE 2 3 I, SONYA LOPES, Registered Professional 4 Reporter and Notary Public in and for the 5 Commonwealth of Massachusetts, certify; 6 That the foregoing proceedings were taken 7 before me at the time and place therein set forth, 8 at which time the witness was properly identified 9 and put under oath by me; 10 That the testimony of the witness, the 11 questions propounded, and all objections and 12 statements made at the time of the examination were 13 recorded stenographically by me and were thereafter 14 transcribed; 15 That the foregoing is a true and correct 16 transcript of my shorthand notes so taken. 17 I further certify that I am not a relative or 18 employee of any attorney of the parties, nor 19 financially interested in the action. 20 I declare under penalty of perjury that the 21 foregoing is true and correct. 22 Dated this 11th day of April, 2024. 23 24 <%11353,Signature%> 25 Sonya Lopes My Commission Expires: October 28, 2027</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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